

EXHIBIT C.12

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MOSHE SAPERSTEIN, et al.,

Plaintiffs,

vs.

THE PALESTINIAN AUTHORITY;
THE PALESTINE LIBERATION
ORGANIZATION,

Defendants.

Case No. 04-20225-CIV

VIDEOTAPED 30(b)(6) DEPOSITION OF
SALAM FAYYAD
EAST JERUSALEM, ISRAEL
MARCH 9, 2010

REPORTED BY: BRENDA MATZOV, CA CSR NO. 9243

Videotaped 30(b)(6) deposition of SALAM FAYYAD, taken in the above-entitled cause pending in the United States District Court, Southern District of Florida, pursuant to notice, before BRENDA MATZOV, CA CSR No. 9243, at the Ambassador Hotel, East Jerusalem, Israel, on Tuesday, the 9th day of March, 2010, at 6:04 p.m.

APPEARANCES:

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6 AVI HAR-ZAHAV, Advocate

7 OSAMA SAADI, Advocate

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I N D E X

WITNESS

Salam Fayyad

EXAMINATION

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By Mr. Rochon

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DESCRIPTION

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Exhibit 1

Plaintiff Moshe Saperstein's
Notice of Taking Depositions

Pursuant to Fed.R.Civ.P.30(b)(6)

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Exhibit 2

International Press Article, Entitled
"Qurei Refuses the Dissolution of
Al-Aqsa Brigades as the Dispute Over
the Egyptian Plan is Underway,"
Dated June 21, 2004

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Exhibit 3

Ma'an News Agency Article, Entitled
"Qurei Denies Reports That 3 Million
US Dollars was Diverted to His Joint
Bank Account," Dated March 25, 2008

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Exhibit 4

Jerusalem Post Article, Entitled
"PA Negotiator Spells Out Terms
for Calm," Dated March 28, 2001

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Multiple Documents

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P R O C E E D I N G S

(The following proceedings were conducted
only in English, unless otherwise indicated.)

THE VIDEOGRAPHER: This is the videotape
deposition of Salam Fayyad, taken by Robert Tolchin,
in the matter of Saperstein, et al., versus the
Palestinian Authority, et al., held at the Ambassador
Hotel, Jerusalem, Israel, on March 9th, 2010.

The court reporter is Brenda Matzov. The
video specialist is Mitchell Coopersmith.

Counsel will now state their appearance.

MR. TOLCHIN: Before we do that, first of all,
it's the deposition taken by the plaintiff, Moshe
Saperstein. I'm just his lawyer.

And before we identify ourselves, I think the
court reporter has to say her thing. And then we'll go
around.

THE REPORTER: Okay. Today is March 9th,
2010. We are at the Ambassador Hotel in East Jerusalem.
The time is 6:04 p.m. This is the deposition of Salam
Fayyad. My name is Brenda Matzov. My business address
is Borochoy Street 32/18, Ra'anana, Israel.

Will counsel please identify themselves.

1 MR. TOLCHIN: Robert Tolchin, for the
2 plaintiff, Moshe Saperstein.

3 MR. McALEER: Charles McAleer, of the law
4 firm of Miller & Chevalier, for the defendants, the
5 Palestinian Authority and the Palestine Liberation
6 Organization.

7 I'm appearing here today along with my
8 colleagues from Miller & Chevalier, Mr. Richard Hibey,
9 Mr. Mark Rochon, and Ms. Lamia Matta. We are also
10 appearing here today as counsel for the deponent.

11 The deponent is appearing as a designee of
12 the Palestine Liberation Organization, pursuant to a
13 Rule 30(b)(6) Notice of Deposition, dated February 8,
14 2009 [sic], in which there was a request for designation
15 of a witness with respect to one category which
16 contained two subparts.

17 I would note for the record that defendants
18 served their objections to that notice on February 18,
19 2010. And I would also note that the witness is
20 also appearing pursuant to the Court's order dated
21 December 31st, 2009, and the Court's ruling with
22 respect to defendants' motion for a protective order.

23 I would note for the record that, prior to
24 the deposition, Mr. Tolchin and I reached an agreement
25 that this deposition -- any recording of it and any

1 transcript of it would remain confidential, not
2 disclosed for any purpose unrelated to this litigation
3 and not disclosed to any person other than the persons
4 in this room, that the transcript and any recording
5 of the deposition will remain confidential for a period
6 of two weeks after counsel for defendants and for the
7 deponent receive the recording of the deposition as
8 well as the transcript from the court reporter.

9 It was further agreed in this regard that the
10 recording of the deposition could be used by the parties
11 in proceedings before the court so long as that is done
12 under seal prior to the expiration of the two-week
13 period that I just mentioned.

14 In that regard, I would submit that the
15 provisions and procedures governing the submission to
16 the court under seal would be those set forth in the
17 proposed protective order, which we have tendered to
18 the plaintiff and which will hopefully be entered by
19 the court ultimately.

20 I would also ask that, in addition to
21 Mr. Tolchin acknowledging that I've correctly stated
22 our agreement regarding confidentiality, that he confirm
23 that on the record. I would also ask that, when other
24 persons who are in the room have identified themselves
25 for the record, that they also note their agreement

1 regarding the obligation to maintain the confidentiality
2 of any recording or transcript of this deposition.

3 I would also like Mr. Tolchin's agreement,
4 as at other depositions, that all relevance and
5 hearsay objections need not be asserted and are
6 preserved for trial and that any other objections
7 that are non-correctable problems -- objections as
8 to non-correctable problems are also preserved for
9 trial and need not be asserted as set forth in Federal
10 Rule of Civil Procedure 32(d)(3)(B).

11 Is that agreeable to you, Mr. Tolchin?

12 MR. TOLCHIN: Oh, gee, Chas, I thought we were
13 going around the room identifying who was here. I don't
14 think the reporter began the deposition yet.

15 MR. McALEER: I understand that. I don't
16 want to interfere with your questioning of the witness
17 except as appropriate during the deposition. So I'm
18 just trying to get these procedural matters out of the
19 way at the start.

20 MR. TOLCHIN: So --

21 MR. McALEER: Is that agreeable to you
22 regarding objections?

23 MR. TOLCHIN: You said a whole lot there.
24 And I'll summarize the part that I agree with, and I'll
25 point out the parts that I don't agree with.

1 You and I did speak about keeping the
2 transcript and recording of the deposition confidential
3 for a period of two weeks after the transcript and/or
4 recording is furnished to counsel.

5 MR. McALEER: And just to be clear, it's the
6 recording and the transcript together. Because we --
7 we need to review the transcript in connection with the
8 recording.

9 MR. TOLCHIN: Fair enough.

10 But that -- that's about what we agreed to.
11 You've thrown into that lengthy statement a whole
12 discussion of the scope of this deposition and the
13 limitations of this deposition and deposition notices.
14 And none of that has been agreed upon. But what -- and,
15 in fact, we disagree. And you know we disagree because
16 we discussed that at length yesterday.

17 But what we do agree is that the transcript
18 and recording of this deposition will be -- to use the
19 word "embargoed," sealed for a period of two weeks
20 other than potentially using it in connection with
21 an application to the court in this case under seal.

22 MR. McALEER: I appreciate that. Now, with
23 respect to the objections, do we also have an agreement
24 there?

25 MR. TOLCHIN: I'm sorry?

1 MR. McALEER: With respect to the objections,
2 do we also have that agreement that we've reached at
3 other depositions?

4 MR. TOLCHIN: As -- as we typically agree
5 at almost every deposition we've ever participated in,
6 the -- any objections other than objections as to form
7 will be preserved until the time of trial.

8 What I did want to raise with you -- and
9 I'm happy you brought it up is -- I actually brought
10 you a copy of the -- an excerpt from the local rules
11 for the Southern District of Florida, specifically local
12 Rule 30.1 entitled "Sanctions for Abusive Deposition
13 Conduct," where it provides at 30.1, subparagraph A,
14 subparagraph 1, that objections or statements which
15 have the effect of coaching the witness, instructing
16 the witness concerning the way in which he or she should
17 frame a response or suggesting an answer are not proper.

18 There was an awful lot of that going on
19 yesterday. And I wanted to make sure that there would
20 be no question about what's permitted and what's not
21 permitted at this deposition.

22 MR. McALEER: Mr. Tolchin, we disagree with
23 your characterization of what occurred at the deposition
24 of Mr. Amawi. And I appreciate the extra copy of the
25 local rules, but that was not necessary.

1 What -- what we do think might become
2 necessary at some point in the deposition -- we hope
3 it will not -- is that there may be some issues
4 regarding the deposition that could be brought before
5 the Magistrate Judge for resolution. And I'd simply
6 note for the record that I informed you before the
7 deposition that Mr. Gary Woodfield, who's counsel
8 in this case, had contacted the judge's chambers and
9 learned that the judge is sitting today and have --
10 may have time during the course of his day to address
11 any issues that come up at the deposition. And so as
12 far as we know, at various periods of time during this
13 deposition, the Magistrate Judge might be available to
14 resolve any issues that the parties might have.

15 MR. TOLCHIN: I -- I left out one thing
16 when I mentioned the rule. It also prohibits, quote:

17 "Instructing deponent not to answer a question
18 except when to preserve a privilege, to enforce a
19 limitation of evidence directed by the court, or to
20 present a motion under Rule 30(d)(4)."

21 And there was a couple of directions not to
22 answer yesterday, which were in violation of that rule.
23 And I would hope that we don't see anything of that sort
24 today.

25 MR. McALEER: I disagree with your

1 characterization, but we need not debate it. I
2 will tender the floor back to the next person who
3 must identify themselves for the record.

4 MR. TOLCHIN: I think it would be the easiest
5 if we just went --

6 MR. ROCHON: We already did.

7 MR. TOLCHIN: -- around the table.

8 MR. HIBEY: We're already identified.

9 MR. TOLCHIN: You did?

10 MR. McALEER: I identified all of us.

11 MR. ROCHON: Except Osama.

12 MR. TOLCHIN: So maybe Osama should introduce
13 himself.

14 MR. SAADI: I'm Osama Saadi, on behalf of the
15 Prime Minister.

16 MR. TOLCHIN: And on our side of the table,
17 we have Nitsana Darshan-Leitner, one of the plaintiffs'
18 Israeli counsel. With her is Avi Leitner. And Israeli
19 attorney Avi Har-Zahav, another of the plaintiffs'
20 Israeli counsel, is with us today.

21 MR. McALEER: And as I requested, I'd like
22 those persons to acknowledge their agreement and
23 commitment to the confidentiality restriction.

24 MR. TOLCHIN: I'm the -- I'm the counsel of
25 record, and I speak for the team. It's not an issue.

1 Did you finish going through all the things
2 that you're supposed to recite on the record?

3 THE REPORTER: Date, time, name of witness,
4 location, my address.

5 MR. TOLCHIN: Does everybody agree that
6 the commissioner has adequately complied with her
7 obligations as commissioner?

8 MR. HIBEY: We -- we agree.

9 THE REPORTER: I have to swear him in, though.

10 MR. TOLCHIN: Right.

11

12 SALAM FAYYAD,
13 called as a witness, being first duly
14 affirmed, was examined and testified
15 as hereinafter set forth:

16

17 EXAMINATION

18 BY MR. TOLCHIN:

19 Q. Let me begin by saying good morning -- good
20 evening.

21 Can you tell us, please, your full legal name
22 and your address, please?

23 A. I will do that, Mr. Tolchin, but not before
24 I ask a question, if I may, as to when the proceedings
25 began formally. Because I do have a comment on the

1 introduction made -- and I do not know exactly when the
2 proceeding made -- you know, started for the record --
3 specifically in relation to the reference to the place
4 where -- where we are meeting. I accept exactly the way
5 in which it was characterized by the reporter. And I
6 accept that, but not the reference to Jerusalem that was
7 made before the outset. I just want to make that clear.

8 Q. Duly clarified.

9 A. Thank you.

10 Q. Should I ask the question again?

11 A. Yes.

12 Q. What is your name?

13 A. My name is Salam Fayyad.

14 Q. Is that your full name?

15 A. Salam Khalid Abdullah Fayyad is my full name.

16 Q. And what is your address?

17 A. I reside with my wife in East Jerusalem in
18 Beit Hanina.

19 Q. And what is your date of birth?

20 A. April 12, '52.

21 Q. And where were you born?

22 A. In Nablus.

23 Q. Can you briefly summarize your educational
24 background?

25 A. First nine grades in Tulkarm. Last three

1 years of schooling in Jordan. First degree, American
2 University of Beirut, Lebanon, '71, '75. Then I got an
3 MBA, 1980, from St. Edward's University.

4 Q. Which university?

5 A. St. Edward's University, Austin, Texas. And
6 a Ph.D. in economics, University of Texas at Austin,
7 1986.

8 Q. And do you speak, read, and write English --

9 A. I do.

10 Q. -- fluently?

11 A. I believe I do.

12 Q. Okay. So it's no problem that you're
13 testifying in English?

14 A. I understand what you're saying.

15 Q. And you understand what you're saying?

16 A. (Witness nods head.)

17 Q. Can you -- what year did you finish your
18 education?

19 A. 1986.

20 Q. I'm sorry?

21 A. 1986.

22 Q. Is it fair to say that, from 1952 [sic]
23 through 1986, you were in some form of school, not
24 working?

25 A. No. I did work.

1 Q. You -- you worked in between the -- the
2 degrees or during --

3 A. Yes, I did work between degrees.

4 Q. -- or -- or during -- or during your studies?

5 A. Both, as a matter of fact. I did work between
6 degrees, and I worked during my studies.

7 Q. Can you summarize your work background up
8 until 1986?

9 A. Yes. After graduating from college in '75,
10 I worked in Amman, Jordan in private business as an
11 employee. And then that continued until I left for the
12 United States to work on that MBA which I mentioned to
13 you, which I finished in 1980.

14 Q. Uh-huh.

15 A. Then after that, I went to the University of
16 Texas at Austin, during which time, in the latter years
17 of my education, I did work at the university, teaching
18 and research. Yeah, that takes us through 1986.

19 Q. And in 1986, when you finished in the
20 university, when you finished your Ph.D., where --
21 did you go to work?

22 A. I went -- I mean, I worked at the Yarmouk
23 University, Jordan, for two semesters. I remember --
24 I recall the spring and fall semester of 1986. In the
25 summer between the two semesters, I worked for a brief

1 period as a visiting scholar at the Federal Reserve Bank
2 of St. Louis.

3 Q. So how many years did you reside in the United
4 States altogether?

5 A. In all, I believe 17, 18 years, both studying
6 and working subsequently, beginning January '87 at the
7 International Monetary Fund.

8 (Brief court reporter clarification.)

9 THE WITNESS: International Monetary Fund
10 beginning January 1987. And I was there --

11 Q. BY MR. TOLCHIN: Was that in Washington?

12 A. Yes. In Washington, DC. And I stayed there
13 until late 1995.

14 Q. So are you a U.S. citizen?

15 A. I am not.

16 Q. Are you a permanent resident of the United
17 States?

18 A. I'm not.

19 Q. On what -- how did you remain in the United
20 States that many years?

21 A. Well, I -- while I was studying, I was there
22 on a visa, student visa.

23 Q. Uh-huh.

24 A. And during the brief -- while I -- I worked at
25 the Federal Reserve Bank of St. Louis, I also was on a

1 visa which the head of the Bank of St. Louis arranged
2 for me to get.

3 Q. Uh-huh.

4 A. And, subsequently, when I joined the IMF
5 in late nineteen -- in early 1987, I was on a visa
6 for a international organization. I believe it's
7 called H4, if I'm not mistaken. I forgot now. But
8 it's a special kind of visa that's granted to employees
9 of international organizations which the International
10 Monetary Fund is.

11 Q. So what is your citizenship?

12 A. Palestinian.

13 Q. And what was your citizenship at birth?

14 A. Jordanian.

15 Q. And do you still have Jordanian citizenship?

16 A. Yeah, I do.

17 Q. You do?

18 A. Yeah.

19 Q. Do you have any other citizenships?

20 A. No.

21 Q. Did you take any steps to prepare for today's
22 deposition?

23 A. Yeah. I read -- read the core document on
24 the -- excuse me -- on -- on the deposition and also
25 material that was prepared and submitted in connection

1 with -- with this deposition.

2 Q. Okay.

3 A. That's --

4 Q. How much time did you spend preparing for
5 today's deposition?

6 A. I don't know if I can really put, you know,
7 hours on it or -- or something like that. It just
8 happened over a period of time when I received the
9 documents and went through them and the other documents.
10 I just simply cannot tell you, you know, how -- how
11 long exactly it took. I mean, it's not that I sat
12 down to cram for the deposition or anything like that
13 or prepare in that way, in a structured way or anything
14 like that.

15 Q. Did you meet your lawyers to prepare for the
16 deposition?

17 A. I did.

18 Q. Did you meet with anyone besides your lawyers?

19 A. No. I had conversations with people who
20 submitted testimony in connection with the case.

21 Q. Who did you have conversations with?

22 A. Mazen Jadallah, the Minister of Finance, and
23 Ramzi Khoury of -- of the PNF, the Palestine National
24 Fund, as well as Mr. Nashashibi, chairman of the PNF.

25 Q. On how many different occasions did you meet

1 with your lawyers?

2 A. I have been meeting with our lawyers for --
3 since basically they started representing us.

4 Q. No, I meant to prepare --

5 A. Aah.

6 Q. -- for the deposition.

7 A. You know, I go back to the -- I mean, maybe
8 the -- during the last visit before -- before their
9 current visit, when the possibility of me being deposed
10 on this, we met for -- I believe then -- I cannot give
11 you the date exactly. But I'll be happy to look into
12 the records. It was not long ago, in any event, for
13 about three quarters of an hour or an hour maybe. And
14 then on the current visit this time around maybe hour
15 and an half, a couple of hours.

16 Q. Do you know what this case is about?

17 A. I do not know the details of the case.

18 Q. Do you know what the basis of the plaintiffs'
19 claim is?

20 In other words, what does he say happened to
21 him? What does the plaintiff say happened to him?

22 A. Based on what I understand, that the plaintiff
23 sustained injury.

24 Q. As a result of what?

25 A. As a result of an attack that happened in Gaza

1 Strip. But that's the extent of -- of my knowledge of
2 the case.

3 Q. Do you know what kind of attack?

4 A. I do not know.

5 Q. Do you know who carried out the attack?

6 A. I don't either.

7 Q. Have you asked anyone to conduct any kind of
8 investigation to find out who did this attack?

9 A. Mr. Tolchin, the case, if I recall, relates
10 to a time period when I was not with the -- with the
11 Palestinian Authority. The time period that the
12 deposition covers is before -- before my time with
13 the Palestinian Authority. So I was not in a position
14 to -- to do. And that's basically what it is.

15 Q. But you -- what is your position with the
16 Authority today?

17 A. I am the Prime Minister of the Palestinian
18 National Authority today.

19 Q. And as the Prime Minister, what are your
20 duties?

21 A. You know, to manage the affairs of the
22 Palestinian people in all areas of governance and
23 service delivery, in -- in all areas.

24 Q. Is it fair to say you're the head executive
25 of the Palestinian Authority?

1 A. The head executive under our basic law is the
2 President --

3 Q. Okay.

4 A. -- of the Palestinian National Authority.
5 I'm head of government.

6 Q. Head of the government?

7 A. Yes.

8 Q. Are there ministers who report to you?

9 A. There are.

10 Q. And many people work in the various
11 ministries?

12 A. Correct.

13 Q. And, ultimately, they report to you?

14 A. Correct.

15 Q. And if you wanted to ask somebody to conduct
16 an investigation about what happened to Mr. Saperstein,
17 you could do that as the Prime Minister; correct?

18 MR. ROCHON: We're going to object on
19 privilege and -- and -- attorney-client privilege
20 because communications on the case are -- and -- and --

21 MR. TOLCHIN: I didn't ask him about his
22 lawyers.

23 MR. ROCHON: But if -- once the lawsuit is
24 brought and the Prime Minister is working with counsel
25 on it, communications --

1 MR. TOLCHIN: I didn't ask him -- I didn't
2 ask him about communication.

3 MR. ROCHON: What --

4 MR. TOLCHIN: It did not ask him about
5 communications with counsel.

6 MR. ROCHON: But in terms of if he carried out
7 his duties in part by having counsel assist in reviewing
8 matters and reporting to him, obviously that would be
9 privileged. You can inquire if --

10 MR. TOLCHIN: I'll limit the question that
11 way.

12 Q. BY MR. TOLCHIN: Sir, other than working
13 with your attorneys, do you have means at your
14 disposal within the government of the Palestinian
15 Authority to direct people to conduct an
16 investigation as to what happened to Mr. Saperstein?

17 A. I would say to a very limited extent. You
18 know, the case goes back many years. In mid 2007, as
19 you know, there was a takeover of power by -- violently
20 by Hamas in Gaza, and we're not there. And I doubt
21 seriously the extent to which I can get the results
22 associated with commissioning an inquiry.

23 Q. When did you first learn that Mr. Saperstein
24 was suing the Palestinian Authority?

25 A. I do not recall exactly the time when I knew

1 about this case in particular. I know that there were
2 several cases pending against us in the United States.
3 And I know that this is one of them.

4 Q. Can you tell me what year it was that you
5 first learned about the Saperstein case?

6 A. I do not recall precisely when I became aware
7 of this particular case. All I can tell you is that
8 maybe 2003, 2004 it came to my knowledge that there were
9 cases, at least one case I remember at this time, that
10 was pending against us in the United States and that was
11 being handled by lawyers. And at the time that -- the
12 defense attitude was to assert sovereign immunity. And
13 there was not really much attention paid to that. The
14 case I'm referring to is -- is the Ungar case.

15 Q. Uh-huh.

16 A. Subsequently, of course, a lot of things
17 happened. And as more became -- and as this became
18 more a focus of attention, as I believe it should be
19 to us in the Palestinian Authority, it came to my
20 knowledge that we have other sets of -- other set of
21 cases against us in the United States. So it -- it's
22 in that context. But I do not remember exactly when
23 in this particular case.

24 Q. Okay. Whenever it was that you learned about
25 the --

1 A. Yeah.

2 Q. -- Saperstein case, upon learning that the
3 Palestinian Authority was being sued by Mr. Saperstein,
4 did you take any steps to inform yourself about the
5 Saperstein case or what happened to Mr. Saperstein or
6 whether the Palestinian Authority had any involvement
7 in it?

8 A. You know, we have many cases against us and
9 not only in the United States.

10 Q. Uh-huh.

11 A. There are tens of cases against us in Israel.
12 And, you know, I did not -- I do not know the details
13 of the cases. I know the general characterization. I
14 mean, I know essentially the thrust of what it is that
15 we're being sue -- sued for generally across cases, but
16 not in each individual case.

17 Q. So it -- it would be fair to say that you,
18 as you sit here today, don't remember doing anything
19 specific with respect to the Saperstein case when you
20 learned of the Saperstein case?

21 Is that accurate?

22 A. It's fair to say that. Yes.

23 Q. Okay. Now, going back to your personal
24 history, you finished your Ph.D. in 1986?

25 A. Correct.

1 Q. And then to the International Monetary Fund
2 in 1987?

3 A. Yes.

4 Q. And you stayed there until 1995?

5 A. In --

6 Q. Is that correct?

7 A. -- Washington. In Washington.

8 Q. Was that uninterrupted from 19 --

9 A. Uninterrupted.

10 Q. -- 87 to 1995?

11 A. Uninterrupted. Yes.

12 Q. What was your job at the IMF?

13 A. Several positions.

14 And, by the way, just to make sure it is
15 stated correctly, I said in Washington because my
16 employ -- employment with the fund extended beyond my
17 stay in Washington. I subsequently represented the
18 fund. I acted as a representative to the Palestinian
19 Authority.

20 Q. I'll come to --

21 A. So --

22 Q. -- what happened af --

23 A. -- that was -- yeah.

24 Q. I'll come to -- I'll ask you next about what
25 happened --

1 A. Okay.

2 Q. -- in 1995.

3 A. And I just wanted to make sure that the record
4 reflects accurately --

5 Q. Okay.

6 A. -- my employment.

7 Q. I appreciate that.

8 A. Yeah.

9 Q. So what -- what was -- what were your roles
10 at the IMF?

11 A. Several positions. I -- I started as an
12 assistant to executive director. Subsequently became
13 advisor to executive director. My last position with
14 the IMF was senior resident representative to the
15 Palestinian Authority.

16 (Brief court reporter clarification.)

17 THE WITNESS: Senior resident representative
18 to the Palestinian Authority. And that happened after
19 '95 -- after late '95.

20 Q. BY MR. TOLCHIN: That was from 1995 until
21 when?

22 A. 2002. Early 2002.

23 Q. Okay. And what happened? Did you leave the
24 IMF in 2002 and go work someplace else?

25 A. Yes. I worked as a regional manager of the

1 Arab Bank in Palestine for a few months.

2 Q. And as regional manager of the Arab Bank in
3 Palestine, what -- what -- let me back up.

4 When you say you were the regional manager for
5 Arab Bank in Palestine, what city did you work in?

6 A. Ramallah. That's the headquarters of the bank
7 in Palestine. Ramallah.

8 Q. Okay. And what was your -- what was your job?
9 What did your job entail at that time?

10 A. Manager of Arab Bank operations in Palestine,
11 which included several branches. In other words,
12 not only the bank in Ramallah itself, but Arab Bank
13 branches -- branches in other areas of the West Bank
14 and Gaza.

15 Q. And do they act -- does the Arab Bank act --
16 withdrawn.

17 In 2002, did the Arab Bank actually have
18 branches throughout --

19 A. Yes.

20 Q. -- the West Bank?

21 A. Yes.

22 Q. And how many branches were there
23 approximately?

24 A. I believe 20 -- 20, 22, something like that.

25 Q. And was it your job, as regional manager, to

1 supervise those branches?

2 A. Yes. I was the general manager of all of
3 them. Yeah.

4 Q. And what happened in 2002 as far as your
5 employment is concerned?

6 A. I joined the Palestinian Authority as Finance
7 Minister in June 2002.

8 Q. You joined as Finance Minister?

9 A. Yes.

10 Q. And how long did you stay as Finance Minister?

11 A. I stayed in that capacity until late 2005,
12 November 2005.

13 Q. Okay. And what happened in 2005 as far as
14 your professional --

15 A. Well, I -- I ran for office, for the
16 legislative elections that took place in January of
17 2006. And -- well, technically, I'm still a member
18 of the Palestinian Legislative Council in a way.
19 It's not been meeting for a number of years. But I
20 was -- I was elected. I won a seat in the legislature.

21 Q. So let me clarify. In 2005, you ran for --

22 A. 2006. January 2006.

23 Q. You ran for office?

24 A. Correct.

25 Q. And the office you were running for was a

1 mem --

2 A. Member --

3 Q. -- membership in the Legislative Council?

4 A. That is correct.

5 Q. And you were elected to the Legislative
6 Council?

7 A. I was.

8 Q. And how long was that term of office supposed
9 to be?

10 A. Supposed to be for a year.

11 Q. So it should have ended in 2009?

12 A. It should have ended January --

13 (Brief court reporter clarification.)

14 THE WITNESS: It should have ended in -- in
15 January of this year, a couple of months ago.

16 Q. BY MR. TOLCHIN: January of 2010?

17 A. January 2010.

18 (Brief court reporter clarification.)

19 MR. TOLCHIN: She only has ten fingers.

20 THE WITNESS: Pardon?

21 MR. TOLCHIN: She only has ten fingers.

22 (Last answer read.)

23 THE WITNESS: January of this year. January
24 2010.

25 Q. BY MR. TOLCHIN: And did your term end?

1 A. It -- it was supposed to end. It has not.
2 The term of the council -- the legislature was extended
3 by the decision of the Palestinian Central Council until
4 we're able to have elections.

5 Q. Okay. Now, after you were elected to the
6 Legislative Council --

7 A. Yes.

8 Q. -- did you receive some other office?

9 A. No, I did not. I just worked in -- in that
10 capacity. And that continued to be the case until
11 spring 2007.

12 Q. And what happened in 2007?

13 A. 2007, I joined the government again as
14 Minister of Finance. That was March 2007.

15 Q. And how long did you stay as Minister of
16 Finance?

17 A. Until June 2007. Three months. Three months.

18 Q. And then what happened?

19 A. There was a violent takeover of power by
20 Hammas in Gaza. And -- and that basically brought the
21 government down.

22 Q. And do you have a position in the government
23 today?

24 A. I am the Prime Minister of the Palestinian
25 Authority.

1 Q. And how did you become the Prime Minister?

2 A. I was appointed to that position by the
3 President.

4 Q. And who was the Prime Minister before you?

5 A. The Prime Minister before me was Ismail
6 Haniyeh.

7 Q. And how did he get to be Prime Minister?

8 A. After the 2006 elections, he was the head
9 of the Hamas parliamentary list. And he was named --
10 they nominated him as their nominee for the position
11 of Prime Minister. And he was named as Prime Minister.
12 He formed the government.

13 Q. So he was elected as Prime Minister?

14 A. He was elected as a member of legislature,
15 not as Prime Minister. You do not get elected as
16 Prime Minister in those systems of government. You're
17 elected to the Council as a legislator. But then the
18 designation as Prime Minister, that happens after a
19 process of consultation and nomination by the various
20 blocks. And even that Hamas won the majority, it
21 was not out of the ordinary for the head of their
22 parliamentary list to be named as Prime Minister.
23 And that's how he became Prime Minister. But he was
24 not elected as Prime Minister.

25 MR. TOLCHIN: Forgive me. I'm just looking

1 for a document. I'm looking for the notice of the
2 deposition. Is it here?

3 MR. LEITNER: I think so. Yeah.

4 MR. McALEER: Mr. Tolchin --

5 MR. TOLCHIN: Yeah?

6 MR. McALEER: -- to speed this along and if
7 you're looking --

8 MR. TOLCHIN: Thank you.

9 MR. McALEER: -- for a Notice of Deposition,
10 I'll be glad to provide one.

11 MR. TOLCHIN: Do you have a spare copy we can
12 mark?

13 MR. McALEER: This is a -- the Notice of
14 Deposition dated February 8, 2010, to which I referred
15 earlier in my remarks. I'm tendering it to the
16 plaintiff for marking.

17 (S. Fayyad Exhibit 1 marked.)

18 MR. TOLCHIN: Show it to the witness, please.

19 THE WITNESS: (Examining.)

20 Q. BY MR. TOLCHIN: Sir, have you seen the
21 document which is marked as Exhibit 1 before?

22 A. Yes, I have.

23 Q. When did you see that?

24 A. A few days ago.

25 Q. What is that document?

1 A. It basically informs me of the duty to appear
2 before this panel to answer questions in connection with
3 this case.

4 Q. Okay. And did you read that document?

5 A. Yes, I did.

6 Q. And did you prepare to discuss the topics
7 covered in that document?

8 MR. McALEER: Objection.

9 Q. BY MR. TOLCHIN: The ones that relate to
10 Mr. Qurei.

11 MR. McALEER: Well, objection again.

12 The document is a 30(b)(6) notice to the PLO,
13 which contains one category with two subparts. The
14 document also contains a Notice of Deposition with
15 respect to the Palestinian Authority that contains
16 two categories.

17 As indicated in my initial remarks --

18 MR. TOLCHIN: I'll -- I'll rephrase the
19 question.

20 MR. McALEER: -- this witness is being
21 designated with respect to the sole category requested
22 for the PLO. And the word "Qurei" appears nowhere in
23 this notice.

24 Q. BY MR. TOLCHIN: Did you prepare, sir --

25 A. Yeah.

1 Q. -- to testify as to any of the topics
2 reflected in Exhibit 1?

3 A. I am aware of the fact that I'm to testify in
4 connection with the subject matter. Yes, I am aware of
5 that.

6 Q. Could you -- so we don't have confusion with
7 the document, could you tell us what topics you prepared
8 to testify about?

9 MR. McALEER: Counsel, I can make -- make
10 it real clear just to again be --

11 MR. TOLCHIN: I want to know what the
12 witness --

13 MR. McALEER: -- real clear.

14 MR. TOLCHIN: Chas.

15 MR. McALEER: The sole --

16 MR. TOLCHIN: Chas.

17 MR. McALEER: -- topic for --

18 MR. TOLCHIN: Chas.

19 MR. McALEER: -- which he's speaking today --

20 MR. TOLCHIN: Chas.

21 MR. McALEER: Counsel --

22 MR. TOLCHIN: I want to see --

23 MR. McALEER: -- let me finish my statement.

24 MR. TOLCHIN: -- what the witness knows.

25 MR. McALEER: Counsel --

1 MR. TOLCHIN: No.

2 MR. McALEER: -- you're not allowed to --

3 MR. TOLCHIN: No.

4 MR. McALEER: -- talk over --

5 MR. TOLCHIN: But this --

6 MR. McALEER: -- somebody.

7 MR. TOLCHIN: But this is one of those
8 long-winded coaching objections that's not allowed.
9 I asked the witness what he prepared. You're telling
10 me what you think he's going to say or he should say
11 or you hope he says. But --

12 MR. McALEER: Counsel, you finished?

13 MR. TOLCHIN: -- I asked the witness a
14 question, not you.

15 MR. McALEER: Are you -- are you finished?

16 MR. TOLCHIN: Yes.

17 MR. McALEER: Okay. Now, completing my
18 statement, I made it real clear this witness is being
19 designated on the single category with respect to the
20 PLO that appears on page 1 of this document. Please
21 ask him whatever substantive questions you want. That's
22 the clarity you need for this record.

23 Q. BY MR. TOLCHIN: Sir, what does --

24 MR. McALEER: And he's not being designated
25 for any of the categories noticed with respect to the

1 Palestinian Authority in this document. And I -- I
2 could not be more clear about that.

3 MR. TOLCHIN: Okay. Chas, you're not allowed
4 to talk other than to say "objection." I can't be more
5 clear about that. Try doing what you just did at trial.
6 See how far you'll get.

7 Q. BY MR. TOLCHIN: Sir, what topics did you
8 prepare to testify about today?

9 A. I repeat to you what I have just said, on --
10 on the subject matter of this case. And basically the
11 issue relates to the extent that there was involvement
12 by the PLO in -- in providing funding that is alleged
13 to have a role to play in the incident that led to this
14 case being filed against us.

15 Q. And what did you do to prepare yourself to
16 testify about that topic?

17 A. I read the documents prepared and sent to --
18 by officials of the -- of the relevant institutions,
19 in this particular case, the PNF, the Palestine National
20 Council [sic].

21 Q. The PNF?

22 A. Palestine National Council -- national --

23 Q. National Fund or --

24 A. Oh, sorry. Sorry. Fund. PNF. PNF.

25 Q. Palestine National Fund?

1 A. That's correct. Yes.

2 Q. What else, if anything?

3 A. Yeah. That is basically -- that -- that's
4 what is going on. And related to that -- related to
5 that is the possibility of whether or not funds may
6 have been provided, you know, by the Palestinian
7 Authority to -- to Fatah in connection with this
8 operation.

9 Q. And what did you review, if anything, to
10 prepare yourself to testify?

11 A. Testimony, affidavit signed by Mazen Jadallah,
12 Minister of Finance.

13 MR. TOLCHIN: Did you get that?

14 THE REPORTER: I'll get the spellings after.

15 Q. BY MR. TOLCHIN: You read an affidavit?

16 A. Yeah.

17 Q. What affidavit did you read?

18 A. I mean, I do not know if this is the exact
19 name of the document that I have read. But it's a
20 document that's signed by an officer of the Ministry
21 of Finance -- his name is Mazen Jadallah -- in which
22 he states, declares findings related to this case.
23 And the same applies to the declarations made by
24 officials of the PNF.

25 Q. May I see the document for a moment?

1 A. (Witness complies.)

2 Q. Thank you.

3 Did you do anything else to prepare for
4 today's deposition?

5 A. Other than what I've just told you in --
6 in terms of speaking to the individuals concerned,
7 I haven't. I didn't at least --

8 THE REPORTER: Haven't or have?

9 THE WITNESS: Have not.

10 Q. BY MR. TOLCHIN: Are you familiar with an
11 individual named Mr. Qurei?

12 A. Yes.

13 Q. I know that I -- I'm sure I butchered that
14 name. It's a hard one to pronounce.

15 A. I know the person you're talking about.

16 Q. What is his full name?

17 A. Ahmed Qurei.

18 Q. Qurei. And is he known by any other names?

19 A. Abu Ala'a.

20 Q. Okay. And who is he?

21 A. Abu Ala'a served in many different positions.
22 I believe the first role he served after the Authority
23 was established was head of Palestinian Council for
24 Reconstruction and Development. He also, I believe,
25 was Minister of Economy. It was called then Industry,

1 if I'm not mistaken, in -- in the early days of the PA.

2 After the first Palestinian parliamentary
3 elections, which took place in January of 1996, he
4 became speaker of the PLC, the Council. And he
5 continued to serve in that capacity until he became --
6 sorry -- until he became Prime Minister, I believe,
7 in late 2003.

8 Q. Okay. When did he stop being Prime Minister?

9 A. When Haniyeh became Prime Minister in January
10 2000 -- oh, sorry. I take that back. The elections
11 took place in January 2006. The government took office
12 in early March 2006. So, legally speaking, he continued
13 to serve as Prime Minister through early March 2006.

14 Q. Uh-huh. And after he stopped being Prime
15 Minister, what did he become?

16 A. He did not serve in an official capacity
17 within the PA after that, if I'm not mistaken. I don't
18 think so.

19 Q. Did you take any steps to prepare yourself for
20 testifying today about anything involving Mr. Qurei?

21 A. Relative to the basic question which I
22 understand is the central issue here, in terms of the
23 financing and -- and modes of financing involved and --
24 and how the system worked or may have worked during
25 those days, yes, I'm prepared to testify to that.

1 Q. What steps did you take to prepare yourself
2 about -- to -- to testify about anything involving
3 Mr. Qurei?

4 Did you speak to him? Did you read any
5 documents? Did you do anything else?

6 A. I did not speak to Mr. Qurei himself. Because
7 once again, as I understand it, the period in question
8 here, the relevant period for consideration happened
9 during a time when I was not with the Palestinian
10 Authority. So I didn't feel it was necessary to
11 speak to Mr. Qurei about this.

12 Q. Did you take any steps to gather information
13 about any statements that Mr. Qurei may have made in the
14 past?

15 A. No.

16 Q. No? Okay.

17 Did you take any steps to gather information
18 about any funds that Mr. Qurei may be holding or may
19 have held in the past in his personal name?

20 A. No.

21 Q. Okay. Did you take any steps to inform
22 yourself as to whether Mr. Qurei made any particular
23 statements that have been attributed to him?

24 A. Can you please ask the question again?

25 Q. Okay. Did anybody show you a statement that

1 was reported in the media that Mr. Qurei supposedly said
2 and ask you to check if Mr. Qurei said it?

3 A. Mr. Qurei is a public figure. He made a
4 lot of statements, a lot of which I read myself. But
5 I -- you know, I do not recall somebody handing over
6 to me something and said: Read what Mr. Qurei said.
7 That never happened.

8 Q. Okay. But did anyone ask you to check whether
9 Mr. Qurei had made a particular statement or not?

10 A. No. That didn't happen.

11 MR. TOLCHIN: Okay. Can you mark this as an
12 exhibit, please? This is 2?

13 THE REPORTER: (Reporter nods head.)

14 (S. Fayyad Exhibit 2 marked.)

15 THE WITNESS: (Examining.)

16 Q. BY MR. TOLCHIN: I'm showing you a
17 document, sir, Exhibit 2. But just to identify it,
18 it's a document from the International Press Center
19 dated September 11th, 2009.

20 A. September 11, 2009. Okay.

21 Q. Right over here is the date. (Indicating.)

22 A. Yeah. Okay.

23 Q. Okay.

24 A. You want me to read it?

25 Q. You know, I -- I want to -- I just want to

1 clarify. There's two dates on this document. The
2 article appears to be dated June 21st, 2004. The
3 September 11, 2009, is probably the date it was
4 printed out.

5 So did anyone show this document to you prior
6 to now?

7 A. No. I haven't seen it.

8 Q. You've never seen it before?

9 Do you have any information whatsoever as to
10 whether Mr. Qurei made the statement that's attributed
11 to him in this document?

12 A. You want --

13 MR. HIBEY: He -- he needs -- he needs to
14 read --

15 THE WITNESS: I need to read the document.

16 MR. HIBEY: -- the document.

17 Q. BY MR. TOLCHIN: Go ahead.

18 A. Yeah.

19 Q. Go ahead.

20 A. (Examining.)

21 MR. TOLCHIN: Let me just ask the
22 videographer: How are we on the tape?

23 THE VIDEOGRAPHER: We have ten more minutes
24 left.

25 MR. TOLCHIN: Maybe it would be a good time

1 now while he's reading to change the tape.

2 THE VIDEOGRAPHER: Okay. Going off the record
3 at 6:51.

4 (Recess from 6:51 p.m. to 6:59 p.m.)

5 THE VIDEOGRAPHER: Going on the record at
6 6:59.

7 Q. BY MR. TOLCHIN: Sir, what did you do
8 during the break?

9 A. I smoked a cigarette.

10 Q. Were you in a room -- in a private room with
11 your lawyers?

12 A. Yeah, I was.

13 Q. Did you talk about this case?

14 A. No.

15 MR. HIBEY: Wait -- wait a minute.

16 THE WITNESS: No. No, we didn't talk about
17 the case.

18 MR. HIBEY: Whether we did or didn't -- and
19 the witness' testimony stands -- I object.

20 MR. TOLCHIN: You can object.

21 MR. HIBEY: It's privileged.

22 MR. TOLCHIN: By the way, who's doing the
23 objecting here? Is it Mr. Hibey or Mr. McAleer?

24 MR. HIBEY: His lawyers.

25 MR. TOLCHIN: All of you? He has five lawyers

1 sitting here.

2 MR. HIBEY: He'll have three of them speaking
3 up if -- as something that is objectionable.

4 MR. TOLCHIN: I -- I object to that.

5 MR. HIBEY: Uh-huh.

6 Q. BY MR. TOLCHIN: Before we took a break,
7 sir, I asked you to read the article which is marked
8 as Exhibit 2.

9 Did you have a chance to read it?

10 A. I did.

11 Q. Okay. And did you see statements in the
12 article that were attributed to Mr. Qurei?

13 A. I did.

14 Q. Do you know whether Mr. Qurei made those
15 statements?

16 And I want to be clear. I'm not asking if
17 they're true or false. I'm asking whether you know
18 whether Mr. Qurei said them?

19 A. I don't know.

20 Q. Okay. Now, in June 2000 -- withdrawn.

21 You -- I believe you said that in -- that
22 Mr. Qurei became the Prime Minister in late 2003?

23 A. That's correct.

24 Q. That's the Prime Minister of the PA; correct?

25 A. That's correct.

1 Q. And he was still Prime Minister of the PA in
2 2004; correct?

3 A. He was. Yes.

4 Q. Yes? Okay.

5 Besides holding positions in the PA, does or
6 did Mr. Qurei hold any positions in the PLO?

7 A. No. I don't believe he did.

8 Q. He never did, never at any point in history?

9 A. He currently is a member of the PLO Executive
10 Committee. But he was not then. This is all recent.

11 Q. Okay. So today he's a member of the
12 Executive --

13 A. Today he is. But he wasn't at the time.

14 Q. Okay. What is the Executive Committee?

15 A. The Executive Committee is an organ of
16 the Palestine Liberation Organization elected by the
17 Palestinian National Council to act as its executive
18 so to speak.

19 Q. Okay. Can you explain what is the PLO, what
20 is the PA, and what is the connection between them?

21 A. PLO is -- is the highest, in terms of
22 seniority, in the political system of Palestinian
23 people. It's the highest organ. And it was
24 recognized and continues to be as the sole legitimate
25 representative of all Palestinian people. That

1 continues to be the case today.

2 After Oslo Accords, the Palestinian Authority
3 was established. And it was established as a product
4 of an agreement between the PLO, acting on behalf of
5 the Palestinian people, and the Government of Israel.
6 As such, therefore, the Palestinian Authority, in terms
7 of hierarchy, yes, it is a part of the system, the
8 highest organ of which is the PLO. But it -- it was
9 charged a task specifically with managing the affairs
10 of the Palestinian people in the occupied Palestinian
11 territory. So there is that relationship.

12 The head of the Palestinian National Authority
13 and the head of the PLO Executive Committee were the
14 same person since the inception of the Palestinian
15 Authority.

16 (Brief court reporter clarification.)

17 THE WITNESS: Were the same person. First,
18 late President Yasser Arafat, at the same time chairman
19 of the PLO Executive Committee. Currently, President
20 Mahmoud Abbas, who also is chairman of the PLO Executive
21 Committee.

22 Q. BY MR. TOLCHIN: So you mentioned the
23 Oslo --

24 A. Yes.

25 Q. -- Accords.

1 What is the Oslo Accords?

2 A. The Oslo Accords are the accords that led to,
3 among other things, the creation of the Palestinian
4 Authority.

5 Q. Is it accurate to say that the Oslo Accords
6 was an agreement between Israel and the PLO?

7 A. That's exactly what I said.

8 Q. Okay.

9 A. Yes.

10 Q. And the Oslo Accords created the PA --

11 A. That's correct.

12 Q. -- to administer certain territories?

13 A. That is correct.

14 Q. And the PLO existed before the PA?

15 A. That is correct.

16 Q. And does the PLO -- withdrawn.

17 When did the PLO begin to exist?

18 A. 1964.

19 Q. And what is or was the function of the PLO?
20 And if it changed over time, you could tell me that.

21 A. It acted as a representative of the
22 Palestinian people, assumed the responsibility of
23 protecting the interests of Palestinian people and
24 representing them. And it started to gain recognition
25 as such first in the region, then internationally

1 beginning in 1974, as a matter of fact, when it was
2 recognized as the sole legitimate representative of
3 the Palestinian people by Arab countries.

4 And over the period since then, through 1993,
5 other countries joined in in that recognition. In
6 1993, in the context of the Oslo Accords, the PLO was
7 recognized as such by the State of Israel. That was
8 part of what is referred to under the Oslo Accords as
9 the Declaration of Mutual Recognition, when the State
10 of Israel recognized the PLO as a representative of
11 Palestinian people. And the PLO, in return, recognized
12 Israel's right to exist in peace and security.

13 Q. And does the PLO have components or
14 constituent parts?

15 A. Yes. The highest council of the PLO is the
16 Palestinian National Council, which, if you want, refers
17 to a structure that can be thought of as a parliament,
18 if you will, several hundred delegates. Within that,
19 there is the Palestinian Central Council, which is a
20 smaller version of that bigger body. And it acts on
21 its behalf in the event that the Palestinian National
22 Council cannot meet.

23 And then, of course, in terms of executive
24 authority, it is delegated to the -- the -- the
25 Executive Committee of the PLO. And the Executive

1 Committee of the PLO is elected by the Palestinian
2 National Council. These are the rules.

3 Q. Okay. And are there other organizations that
4 are part of the PLO?

5 A. Factions. Yeah.

6 Q. Factions. Okay.

7 A. Yeah. Palestinian factions. Yes.

8 Q. And what are some of the larger factions?

9 A. The largest by far is Fatah.

10 Q. Okay. Are there others?

11 A. Yes. There is, for example, Democratic Front
12 for the Liberation of Palestine. You know, I'm now
13 going through the translation from Arabic to English.
14 There is Nidal Shabi (phonetic). There is Palestine
15 Liberation Front. There's several factions.

16 Q. What is Black September?

17 A. Black September is a name that a group assumed
18 and took -- now, if I recall correctly -- back in 1970,
19 claiming at that time that they were a faction of Fatah
20 or something like that.

21 Q. Uh-huh.

22 A. But it's a self-assumed, you know,
23 characterization.

24 Q. Does it exist today?

25 A. No. I don't believe it does.

1 Q. Okay. Did Mr. Qurei hold any position in the
2 PLO in the year 2004?

3 A. No, he didn't.

4 Q. Okay. I have another document for you.

5 A. Can I add something?

6 Q. Absolutely.

7 A. Just to clarify. I just want to make sure.

8 Q. Anytime you want to clarify --

9 A. Yeah, yeah.

10 Q. -- just --

11 A. Just so -- so everything is clear and --
12 and no comment is taken out of context or -- or
13 misunderstood.

14 Q. Uh-huh.

15 A. When I say he did not have a position on --
16 of the PLO, I meant he did not have any position of
17 authority within the PLO. Because in the way the
18 system is constituted, as member of -- as a speaker
19 of the PLC and heads of committees of the PLC, the
20 Palestinian Legislative Council, are automat --
21 automatically members of the Central Council, for
22 example.

23 Now, when the Central Council of the
24 PLO meets, for -- for example, you know, like any
25 parliament, a parliament has several committees. Heads

1 of committees and the speaker are members. In the PNC,
2 Palestinian National Council, the membership of the --
3 of the Legislative Council is membership in the PNC.

4 You know, of course, the PLO predated the
5 creation of the Palestinian Authority. So these --
6 these are things and -- and norms that evolved into
7 being. It was understood that, if you are a member
8 of the PLC, Palestinian Legislative Council, you
9 automatically are a member of the PNC. But that does
10 not really mean that you are in a position of authority.
11 You are only if you are in one of those organs that
12 I described to you in a -- in a -- in the executive
13 authority.

14 Q. So how does that clarification apply to
15 Mr. Qurei in 2004? Was he a member of something?

16 A. It doesn't change anything. I mean, I would
17 answer the question the same way. I just wanted to
18 clarify to make sure that I'm understood correctly
19 and -- and -- and precisely in terms of what is meant.

20 In other words, I said and I repeat now, he
21 did not have a position of authority within the PLO
22 then.

23 Q. Okay. And how about yourself, sir, do you
24 have a position in the PLO?

25 A. I do. Because under the Council -- I mean,

1 the PLC -- I told you I was elected to a seat, the
2 Council, in January 2006. I was elected as head of
3 Budget Committee. And heads of committees in the PLC
4 are members of the Central Council. And the membership
5 of the PLC is membership of the PNC. So yes, but --
6 but -- but neither is a position of authority.

7 I mean, the PLO represents all of us. And
8 I do not belong to a faction -- to any of the factions.
9 But by virtue of my member -- membership in the PLC and
10 also by being head of a committee in the PLC, I -- I
11 have that capacity as well.

12 MR. TOLCHIN: Okay. Could you mark this,
13 please?

14 THE WITNESS: Oh, let me just also add for the
15 record that right now, you know, as Prime Minister, I
16 take part in the meetings of the PLO Executive Committee
17 as an observer. But I'm not a member of the Executive
18 Committee of the PLO.

19 Q. BY MR. TOLCHIN: Okay. We're giving you
20 another document to --

21 A. Oh, you have?

22 Q. She has to put the sticker on it.

23 A. Where is it?

24 MR. HIBEY: It's coming.

25 THE WITNESS: Oh, it's coming.

1 MR. TOLCHIN: It's coming. If you want to
2 take a look at my copy while she's marking it, things
3 will go faster.

4 (S. Fayyad Exhibit 3 marked.)

5 MR. TOLCHIN: Maybe you want to swap it. He's
6 looking at my copy. And you -- and you're holding the
7 official copy.

8 MR. HIBEY: Hand him that copy.

9 THE WITNESS: Here it is. Okay.

10 MR. HIBEY: Sir, I give you the marked one.
11 You see the exhibit --

12 THE WITNESS: Exhibit --

13 Q. BY MR. TOLCHIN: They're exactly the same
14 except for the yellow sticker.

15 A. (Examining.)

16 Q. Did you have a chance to look over that
17 document?

18 A. I have.

19 Q. And just to identify it for the record, it's
20 an article from the Ma'an News Agency. It has a date
21 3/25/08.

22 Have you ever seen this document before today?

23 A. I do not recall at all. No.

24 Q. Did you see that this document contains
25 certain statements attributed to Mr. Qurei?

1 A. Yeah. I've just seen that.

2 Q. Okay. Do you know whether Mr. Qurei made the
3 statements attributed to him in this article?

4 A. I don't.

5 Q. You don't know?

6 A. No, I don't know.

7 Q. Okay. Fair enough. That's always the easy
8 answer.

9 MR. ROCHON: Bob.

10 MR. TOLCHIN: Yes?

11 MR. ROCHON: We'd object, I mean your comment
12 on easy answer. It's the truthful answer.

13 MR. TOLCHIN: Oh, I didn't mean anything
14 pejorative by that. I just mean I get to cross out
15 a page worth of questions.

16 MR. HIBEY: Good.

17 MR. ROCHON: You meant easy for you.

18 MR. TOLCHIN: Yes. Easy for all of us. We'll
19 all go home sooner. I didn't mean to offend anybody by
20 that.

21 Q. BY MR. TOLCHIN: Do you know, sir, whether
22 Fatah had an account at the Arab Bank in Jordan at
23 any time?

24 A. No, I did not know that.

25 Q. I'm asking.

1 A. It's -- it's possible.

2 Q. I'm not telling you. I'm -- I'm asking you.

3 A. It's possible. But I did not know that.

4 Q. Specifically in the time period of 2000 to
5 2002 --

6 A. No.

7 Q. -- do you know whether Fatah had an account
8 at the Arab Bank in Jordan?

9 A. No, I did not know that.

10 Q. Okay. Have you ever heard of an account
11 No. 21250/510 at Arab Bank?

12 A. If what you're referring to is what is in this
13 article here --

14 Q. No, I'm -- I'm not talking about the article.

15 A. Oh, okay. Because I -- no, I don't -- I'm
16 not aware of any such account. I do not know the
17 existence of the account, I mean, in respect of the
18 number.

19 Q. Okay. From your experience as a manager at
20 Arab Bank, did you have any awareness of the existence
21 of Fatah accounts at Arab Bank?

22 A. No. I was not aware of -- of Fatah accounts
23 in Amman, Jordan.

24 Q. Okay. Now I want you to see. (Indicating.)

25 A. Okay.

1 Q. Are you familiar with an individual named
2 Marwan Barghouti?

3 A. Yes.

4 Q. And who -- who is Marwan Barghouti?

5 A. Marwan Barghouti is a member of the
6 Palestinian Legislative Council. He's currently
7 in a Israeli jail.

8 Q. When did he become a member of the PLC?

9 A. PLC.

10 Q. The PLC?

11 A. Yes.

12 Q. That's the correct one?

13 A. Yes, the correct one. PLC.

14 1996, first Palestinian Legislative Council.
15 And he also was elected in the second election
16 which took place in January 2006.

17 Q. So his --

18 A. So he's always been, since the inception of
19 the Palestinian Authority, a member of the PLC. Yes,
20 that is correct, the PLC.

21 Q. And did Marwan Barghouti have any position
22 in Fatah that you're aware of?

23 A. I know that he was a member of Fatah. He
24 may have been a member of the Revolutionary Council.
25 I know now that he is -- he was elected to the Central

1 Committee of Fatah in the convention that was held in
2 August of last -- of last year, 2009. And he may have
3 been as well, in fact, as a member of the so-called
4 Revolutionary Council, which is a broader organ of --
5 of -- of Fatah.

6 Q. Okay. Could you tell us, please, what he --

7 A. But I'm not really sure about the earlier.

8 I mean --

9 Q. Fair enough.

10 A. -- could have been. I'm -- I'm not sure.

11 But -- but I believe he was.

12 Q. Could you tell us, please, what is Fatah?

13 A. It's one of those Palestinian factions I
14 referred to that make up the PLO. And it was -- I
15 mean, it was and continues to be -- has been always
16 the -- the largest of the factions.

17 Q. What does Fatah do? For example, you told us
18 that the PA administers certain territories.

19 A. Yeah.

20 Q. So what -- what does Fatah do?

21 A. Well, Fatah now acts like a -- a political
22 party acts in other countries around the world. I mean,
23 they are like other factions, to me like a political
24 party.

25 Q. Okay. Besides functioning like a political

1 party, has Fatah ever had any other roles?

2 A. Ever? Yes.

3 Q. Since its inception.

4 A. I'm talking about, you know, the period after
5 the PA came into existence. I mean, after the PA came
6 into existence and after the Oslo Accords in late
7 2000 -- no -- in 1993, they became more or less like
8 a political party, like other Palestinian factions.

9 Q. And what did they do before the Oslo Accords?

10 A. I mean, they were like other factions,
11 liberation movements outside of Palestine in different
12 places in the region --

13 Q. What -- what --

14 A. -- Jordan, Lebanon, Syria, then Tunisia
15 towards the very end. Like other factions, other
16 Palestinian factions.

17 Q. What do you mean by "liberation movement"?

18 A. Our -- our political program is a program of
19 Palestinian -- of the Palestine Liberation Organization,
20 PLO, is one that does have as achieved goal ending the
21 occupation that began in 1967 and the establishment of
22 a state of Palestine on the territories occupied in
23 1967.

24 Q. When was Fatah established? When was it
25 created?

1 A. '64, '65.

2 Q. So is it your testimony, sir, that Fatah was
3 established to end the occupation in 1967, but it was
4 established before that occupation began?

5 A. No, no. No. I -- what I said was clear.
6 I said the program of the PLO. And by that, it is
7 meant and it is well understood to be the program of
8 the PLO that was articulated and announced in Algiers
9 in 1988. That's what we're talking about. That
10 predated Oslo Accords but came nearly 20 years after
11 the Israeli occupation took place in 1967.

12 And Fatah has a faction within the PLO and
13 was -- definitely the PLO would not have adopted that
14 position had Fatah been in disagreement with that
15 position.

16 Q. But it is accurate that Fatah was established
17 before the occupation began?

18 A. Oh, yes. That is true. That is true.

19 Q. Do you know what activities Mr. Barghouti
20 carried out in the time frame of 2000 to 2002 on behalf
21 of Fatah?

22 A. No. I'm not really aware of precisely what
23 Marwan Barghouti did as a member of Fatah during that
24 period.

25 Q. Do you -- do you know --

1 A. He was -- he was active during the earlier
2 years of the Intifada, taking part in demonstrations.
3 I -- as a matter of fact, Marwan Barghouti was arrested
4 and jailed by Israeli authorities before I joined the
5 Palestinian Authority. And I remember seeing him on --
6 on television, taking part in demonstrations in
7 connection with the earlier years of the uprising.

8 Q. Now, you used a term, sir, "Intifada"?

9 A. Correct.

10 Q. Could you tell us what that term means?

11 A. Well, you know, if you listen to the
12 commentary today, it definitely seems to mean different
13 things to different people. The -- the term "Intifada"
14 came into being in connection with what is referred to
15 and known as the First Intifada going back to 1987 and
16 which took the form at the time it -- it happened as an
17 expression of rejection of the Israeli occupation to
18 the form of what might be characterized as disobedience
19 and -- in the end and expression of rejection of the
20 occupation. And it was, particularly in the earlier
21 years of it, nonviolent.

22 That was not the case in the Second Intifada,
23 which broke out in late 2000, which was characterized
24 by violence from earlier years.

25 Q. What type of violence?

1 A. All kinds of violence.

2 Q. Violence including explosions?

3 A. Yes.

4 Q. Molotov cocktails?

5 A. That too.

6 Q. Shootings?

7 A. Yes.

8 Q. Suicide bombings?

9 A. Yes.

10 Q. Who organized the Second Intifada?

11 A. I do not know if one can really say that it
12 was organized, you know. The Intifada actually is --
13 as the word -- the term suggests, is some -- it's an
14 uprising. It's -- it's -- it's something that basically
15 starts from a bottom up. It's not that somebody calls
16 from the top. You hear that expression used today a
17 lot.

18 If I may elaborate a little bit to basically
19 explain to you where all of this comes from. Yesterday,
20 I had a -- a meeting with the media and all talking
21 about various references to Intifada, people -- people
22 calling for Intifada. And I sort of really, in a way,
23 took issue with that in a sarcastic way, saying it's
24 not something you call for. I mean, Intifada, by
25 definition, is something that happens. As recently

1 as yesterday I was saying that. So I don't know if
2 it is fair or right to say that it was organized.
3 I'm not sure one can say that.

4 Q. Would you agree with me that, in order for
5 somebody to carry out a suicide bombing, just as an
6 example, they have to obtain explosives, disguise it in
7 a certain way, organize logistics, get to the location?

8 A. Yeah. I --

9 Q. They need a certain amount of intelligence
10 about where to go and how to do it. There's -- there's
11 a lot of steps before you can carry out that attack.

12 Would you agree?

13 A. That's a reasonable supposition. I was
14 answering a different question.

15 Q. Okay.

16 A. I was answering a question, as I understood
17 it, that said who organized the Intifada in the sense
18 of getting it started. But what you have said is a
19 reasonable characterization.

20 Q. So once the Second Intifada started --

21 A. Yes.

22 Q. -- were there any organizations, to your
23 knowledge, that were involved in organizing Intifada
24 activities?

25 A. Were there organizations?

1 Q. Yes.

2 A. You know, I do not know exactly how, you know,
3 this happened in the form of organization. I -- I
4 accept the supposition that, for certain things to
5 have happened in the way they did, there must have
6 been some organization. Exactly how that worked out,
7 I'm not really sure I know the answer to that question.

8 Q. Do you know who would know that?

9 A. Pardon me?

10 Q. Would somebody else at the Palestinian
11 Authority have that information?

12 A. I -- I have not encountered a Palestinian
13 Authority official who says he knows as to how this
14 is -- this was organized.

15 Q. Uh-huh. Would you agree with me, sir -- and
16 maybe you don't. I don't want to put words in your
17 mouth. But let me ask it differently.

18 Do you personally have a problem with the idea
19 of somebody conducting a suicide bombing in a restaurant
20 where people are just sitting around and eating?

21 A. I do.

22 Q. You do?

23 A. I do have a problem with that. For sure.

24 Q. Okay. It's not something you personally
25 approve of?

1 A. Absolutely not. I wouldn't approve of any
2 such act.

3 Q. Are you aware that such attacks were carried
4 out as part of the Second Intifada?

5 A. I am.

6 Q. Okay. As Prime Minister of the Palestinian
7 Authority, have you conducted any investigation to
8 determine who did those attacks?

9 A. Just to place matters into perspective and
10 the right context, I became Prime Minister in June of
11 2007 --

12 Q. Uh-huh.

13 A. -- against the backdrop of a country on the
14 verge of complete collapse, with Gaza having gone the
15 way it did and circumstances that are well-known, but
16 with conditions of -- of chaos and total lawlessness
17 reigning supreme and it was back as well. That's what
18 I really had to deal with, to stabilize things and
19 establish conditions of law and order. That's more
20 than any person in the government, you know, can handle
21 given the circumstances.

22 To think that -- given, you know, what we
23 really had to contend with -- and when I say that the
24 Authority -- the country was really on the verge of
25 complete collapse with acts of violence, retribution,

1 vandalism, to think that, however important, the Prime
2 Minister of the Palestinian Authority would have had
3 the capacity to look and to act at incidents, actions
4 that took place several years before, to me, sir,
5 that was not -- I mean, it's not that I think it is
6 unimportant. It's just really given the overwhelming
7 sense of responsibility and to have been completely
8 immersed in the issues of -- the issues that I had to
9 confront then, there was just no way I could have been
10 preoccupied with that. And that continues to be the
11 case today.

12 I'm not here to suggest that that -- that's
13 not significant. All I'm telling you is that the
14 priority, as I see it, is to ensure that things like
15 this don't happen again, that our security services
16 are rebuilt, that conditions of law and order are
17 established, that we have a government that's capable
18 of doing that which the government should do, to provide
19 services to our people adequately, again, starting from
20 virtually ruins. And that's -- that's what I really was
21 looking at in 2007.

22 Q. So the short answer is, no, you did not do
23 such investigations?

24 A. That's -- that's my answer, yes --

25 Q. Okay.

1 A. -- for the reasons I explained to you.

2 Q. Understood.

3 A. Yeah.

4 Q. Now, the Palestinian Authority has a police
5 force, doesn't it?

6 A. It does.

7 Q. And approximately how many people are employed
8 by the PA police?

9 A. At present we have about 65,000.

10 Q. 65,000 --

11 A. Yes.

12 Q. -- employees?

13 A. In all -- in all branches of security
14 services.

15 Q. Okay. How many different security services
16 are there within the Palestinian Authority?

17 A. We have the police, civil police. We have
18 National Security Force, NSF. We have Protective
19 Service, PSO. We have general intelligence. We have
20 military --

21 (Brief court reporter clarification.)

22 THE WITNESS: General intelligence. We have
23 military intelligence. And we have civil defense, which
24 basically it refers to the task of firefighting and
25 emergency relief and things like that. That's what we

1 have.

2 Q. BY MR. TOLCHIN: So understanding that you
3 yourself personally were focusing on what you viewed
4 as other priorities, did you direct any of the
5 65,000 people who are employed in the Palestinian
6 Authority security services to investigate who was
7 organizing these suicide bombings?

8 A. I --

9 MR. HIBEY: Excuse me. What suicide bombings
10 are you talking about --

11 MR. TOLCHIN: The ones in the Second Intifada.

12 MR. HIBEY: -- and when?

13 MR. TOLCHIN: Yeah.

14 MR. HIBEY: The ones in the Second Intifada?

15 MR. TOLCHIN: Yes.

16 MR. HIBEY: Tell me the time period you're
17 referring to.

18 MR. TOLCHIN: The witness knows. It's his
19 term, "Second Intifada."

20 MR. ROCHON: So the record is clear, just give
21 us a time period.

22 MR. TOLCHIN: What is it, like
23 Jack-in-the-Box?

24 Q. BY MR. TOLCHIN: I'm referring, sir, to
25 the Second Intifada.

1 A. Yeah. As I explained to you, I did not for
2 the reasons I mentioned to you.

3 Q. Okay.

4 A. Those numbers and those security services that
5 I just spoke of were in a state of shambles, if you
6 will, virtually on the verge of complete disintegration,
7 highly disorganized, no management structure --
8 structure to speak of, I mean, total lawlessness.

9 All you have to do is refer to coverage of
10 events during that time period to -- to get what I'm
11 talking to you about. It was a major preoccupation for
12 me to build up the security capabilities of Palestinian
13 Authority.

14 Q. Okay.

15 A. And that -- that's what we were really
16 consumed with. As I said, it's not a judgment, that
17 those suicide bombings and acts of violence were
18 insignificant. That's not the case. It's just because
19 to ensure that we are in a position to ensure law and
20 order, control, and that we are in a position to provide
21 security service to our people in an effective manner,
22 that's more than a full-time job, believe me.

23 Q. I asked you about suicide bombings.

24 A. Yes.

25 Q. This case doesn't involve a suicide bombing.

1 In this case --

2 A. Yeah.

3 Q. -- the plaintiff was shot by a person with a
4 rifle who was hiding by the side of the road as he was
5 driving past.

6 Would you -- would I be correct that you
7 personally do not approve of that type of random attack?

8 A. Absolutely.

9 Q. Absolutely you do not approve?

10 A. I do not approve of that at all. I do not
11 approve of violence. Everybody knows that, as a matter
12 of record. I stand on that, and I have been promoting
13 that message of nonviolence.

14 Q. And --

15 A. Yeah.

16 Q. -- would it be accurate to say that you also
17 did not conduct any investigation into the issue of who
18 carried out this shooting attack against Mr. Saperstein?

19 A. No. It's fair to say that. No, I have not.

20 Q. Or -- or any other --

21 A. Or any other.

22 Q. -- similar attack?

23 A. No, I haven't.

24 Q. Okay.

25 A. Prior to my assumption of duties as Prime

1 Minister, the statement applies to that period.

2 Q. Okay. And going back to Mr. Barghouti, do
3 you know what, if anything, was his position in Fatah
4 in 2000 to 2002?

5 A. I believe I answered that question.

6 Q. I just want to make sure. I don't think we
7 had the time frame. That's why I'm going back over it.

8 A. No, what I said then applies to all that I
9 know about Barghouti's involvement with -- with Fatah.

10 Q. Do you know anything about the source of any
11 funds that Mr. Barghouti received to conduct Fatah
12 activities in the years 2000 to 2002?

13 A. I do not know, you know, if -- if Barghouti
14 had involvement in operations that use funding of any
15 kind. I'm not aware of that. In other words, I'm not,
16 you know, aware that Barghouti was an address for --
17 for involvement in -- in these operations.

18 Q. Is -- do you have any information about what
19 Mr. Barghouti was doing in the time frame of 2000 to
20 2002?

21 A. Yeah. All -- all I know about that is what
22 I told you. During that period, the earlier years
23 of the Second Intifada, I remember seeing him on
24 television, taking part in a number of demonstrations,
25 street demonstrations. In other words, he was active

1 in those operations what you -- as someone once referred
2 to as an activist, I guess. He was active in -- in
3 demonstrations. I -- I saw coverage of that, but
4 that's the extent of my knowledge.

5 Q. I have another article for you.

6 (S. Fayyad Exhibit 4 marked.)

7 Q. BY MR. TOLCHIN: Sir, I'm showing you a
8 document --

9 MR. HIBEY: Could you indulge me a moment,
10 Counsel? Thank you.

11 Q. BY MR. TOLCHIN: I'm showing you a
12 document which I'll -- just for the purpose of
13 identification, I'll say is a Jerusalem -- an
14 article from the Jerusalem Post Internet edition.
15 It has a date of Wednesday, March 28, 2001. And
16 we're only talking about the portion of the printout
17 in the center of the page, which is the article
18 itself, not the links and advertisements that appear
19 around it.

20 A. (Examining.) Okay.

21 Q. Have you ever seen this document before?

22 A. I -- the document itself, no, I -- I don't
23 recall seeing it.

24 Q. Have you ever -- withdrawn.

25 Do you know whether Mr. Qurei made the

1 statements that are attributed to him in this article?

2 A. Let me see.

3 First, I think he's mischaracterized as having
4 been Minister of Planning and International Cooperation
5 in this article. And he never was.

6 Q. Let me -- let me just say that --

7 A. Yeah.

8 Q. -- I -- I will -- the next question was to ask
9 you what his position was at the time.

10 A. Yeah.

11 Q. I'm focusing with this question on the
12 statements that it refers to him having made.

13 A. Yeah. I'm --

14 Q. Do you know whether he made those
15 statements --

16 A. I'll -- I'll --

17 Q. -- or not?

18 A. I'll read through it. I just made this
19 observation because I read the first two lines and
20 the coverage and it said "Minister of International
21 Cooperation and Planning." He simple wasn't. But,
22 in any event, let me read through what I assume --
23 what it has to say.

24 (Examining.) I have read it. Yes. I have
25 completed reading the statement.

1 Q. Okay. Do you know whether Mr. Qurei made the
2 statements that are attributed to him in this article?

3 A. No. I do not know that.

4 Q. Okay. And do you know what position in the PA
5 or the PLO Mr. Qurei held in March of 2001?

6 A. Neither. He at the time was speaker of --

7 Q. Speaker of what?

8 A. -- of the Palestinian Legislative Council,
9 PLC.

10 Q. Speaker of the PLC?

11 A. Yes. And as such, he could not have been a
12 minister legally.

13 Q. Okay. But the PLC is ultimately part of the
14 PLO; is that correct?

15 A. Well, you know, the PA, as I explained to you,
16 in terms of the hierarchy or the Palestinian political
17 system, all of it is -- is that way.

18 But I repeat what I said before. He did not
19 have then an executive position or position of authority
20 within the PLO. He was speaker of the PLC, which is an
21 organ [sic] of the PA. That's --

22 Q. The PLC is an organ of the PA?

23 A. Of the PA. It's the -- it's the parliament
24 of the PA so to speak.

25 Q. Okay. Do you know who was the Minister of

1 Planning and Cooperation in March of 2001?

2 A. I believe it was Nabil Shaath who was.

3 Q. Nabil Shaath?

4 A. I believe.

5 Q. But you're not sure?

6 A. I could check that. But I'm -- I'm -- I'm
7 fairly sure. Minister of Planning and International
8 Cooperation, he -- yeah, I believe it was Nabil Shaath.

9 Q. Okay. I'm going to move on to a new topic.

10 Does anyone need a bathroom, cigarette break,
11 tape change, or just move on?

12 A. Let's move on.

13 Q. Okay.

14 A. Thanks for the offer anyway.

15 Q. The witness yesterday needed a cigarette break
16 very often.

17 Do you know about any funds received by the
18 Palestine National Fund, PNF, between October 1st, 2000,
19 and February 18th, 2002?

20 A. Funds?

21 Q. Received by the PNF in the time frame of
22 October 1, 2000, to February 18, 2002?

23 A. You know, I can tell you the -- what I said
24 before. I was not with the Palestinian Authority at the
25 time.

1 Q. Uh-huh.

2 A. But money, I mean, in terms of sources of
3 funding, after the PA came into being, the PLO, given
4 everything I know now -- it wasn't during those years --
5 but ceased to have its own independent sources of
6 funding largely. I mean, so, you know, funding for
7 its own operations did come from the PA.

8 (Brief court reporter clarification.)

9 THE WITNESS: "Did."

10 Q. BY MR. TOLCHIN: So the PA --

11 A. Well, I -- I assume basically, during that
12 time period, the -- the PNF did get money from the PA.

13 Q. Okay. Are -- are you testifying about
14 something you know for sure, or you're just surmising?

15 A. Well -- well, given what I know now -- I mean,
16 I can tell you -- I mean, I -- I know now what is going
17 on.

18 The -- the PNF disburses money, for example,
19 to our representatives abroad, meaning like ambassadors,
20 if you will. Now, that money, you know, comes from
21 the PA to pay for the ambassadors. But given that the
22 foreign affairs portfolio -- given its representational
23 dimension is thought to be the purview of the PLO as
24 a function that's handled by the financial organ of the
25 PLO, which is the fund, the PNF. Money for that did

1 come from -- for example, did come from the PA. I mean,
2 it -- it does come from the PA today.

3 Q. So the --

4 A. So -- so --

5 Q. So the PA gives money to the PNF?

6 A. Yes, it does.

7 Q. Okay. Do you know -- are you -- do you know
8 or are you just assuming that that was -- that -- that
9 in the period of -- of October 2000 to February 2002
10 that the PA gave money to the PNF?

11 A. I know that to be the case today. And I
12 assume it was the case before, meaning including the
13 period that you talked about.

14 Q. Did the PNF have any other sources of funding
15 between October 2000 and February 2002?

16 A. I do not know for sure as I told you. But
17 as is well-known since the inception of Palestinian
18 Authority, funding for Palestinians started to be
19 directed exclusively and to be channeled exclusively
20 through the PA.

21 So for the most part, the answer will have
22 to be that the funding for P -- PLO or to the PNF,
23 the Palestine National Fund, comes mostly, if not
24 completely, from the Palestinian Authority or it has
25 been since the inception of Palestinian Authority.

1 That is what I assume has happened since the inception
2 of the Palestinian Authority. That's what I know is
3 happening today.

4 Q. Do you know how much money in total came from
5 the PA to the PNF during the period of October 1st,
6 2000, to February 18, 2002?

7 A. No, I don't.

8 Q. Okay.

9 A. I don't.

10 Q. Who does the PNF pay money to?

11 A. You know, PNF, as I told you, for example,
12 they -- they pay our representational offices abroad,
13 like embassies. They're not called embassies, but --
14 in most places, they're not called that. But that's
15 part of the -- of -- of what they do. Organizations
16 affiliated with -- with the PLO as such. Like unions
17 and -- and things like that, they get paid from the PLO
18 and through the PNF. So that's what it is.

19 Q. Okay. Let me just go back to something for
20 a second.

21 Have you ever been involved in any way with
22 funding violent attacks?

23 A. No. Absolutely not.

24 Q. Have you ever been involved in the payment
25 of rewards, let's call it, to people who carried out

1 violent attacks?

2 A. No.

3 Q. Have you ever been involved in paying benefits
4 to families of people who died carrying out violent
5 attacks?

6 A. We -- we have a -- we have programs, you know,
7 social programs for families of people currently in
8 Israeli jails on the charges that they were involved
9 in acts of the kind that you describe.

10 Q. Uh-huh.

11 A. But those are in the nature of welfare
12 programs for families. They're not in the nature of
13 rewards for those who are currently in jail or otherwise
14 have died.

15 Q. During the time that you were at Arab Bank --

16 A. Yes.

17 Q. -- were you in any way involved with
18 transferring money to individuals who had carried
19 out violent attacks or their family members?

20 MR. ROCHON: Mr. Prime Minister, I'm going
21 to be objecting.

22 Just -- I know that you believe the scope is
23 very broad even though there's a limited --

24 MR. TOLCHIN: Uh-huh.

25 MR. ROCHON: -- scope of -- for which he's

1 been presented here. However, taking him to a job that
2 he had so long ago with the Arab Bank has no relevance
3 to this matter.

4 MR. TOLCHIN: It certainly has.

5 MR. ROCHON: My -- I understand you maintain
6 the ability to ask the question.

7 MR. TOLCHIN: Uh-huh.

8 MR. ROCHON: And our scope objections are
9 generally preserved. I'm not going to instruct the
10 witness. But we do think that you need to move to
11 topics that are within the scope of this case, even
12 if not within the scope of the notice.

13 MR. TOLCHIN: Okay. I brought you a little
14 present today. You can -- I'm handing counsel a copy of
15 the decision in the case of King versus Pratt & Whitney,
16 161 FRD 475, which was affirmed by the 11th Circuit.
17 And it finds explicitly that a 30(b)(6) witness may be
18 asked any question whatsoever, not -- and there is no
19 limitation by virtue of the 30(b)(6) notice. There are
20 dozens of other cases saying the same thing.

21 MR. ROCHON: Obviously, the relevant -- the
22 objection, which is always preserved, in any event,
23 is that the significance of the answer does depend
24 on whether or not he's speaking within the scope of
25 the notice. And as you go outside the scope of the

1 notice -- I -- I'm not seeking to argue. I made the
2 objection. I said I wasn't going to instruct the
3 witness. I -- I appreciate the case.

4 MR. TOLCHIN: Specifically what the case says
5 is, if he doesn't know, then you can't bust him for not
6 having prepared. But you can ask him anything he knows
7 about it.

8 MR. ROCHON: Go ahead. I did -- I said I
9 wasn't going to instruct the witness. I appreciate
10 hearing about the case.

11 MR. TOLCHIN: Okay. So back to my question.
12 Can you read the question back?

13 (Pending question read.)

14 THE WITNESS: What I can tell you is that
15 I was with the bank for only a few months. And I --
16 I -- in the nature of my job as a regional manager,
17 not managing a branch of the Arab Bank, you know, I
18 was not in a position to follow transactions in the
19 sense of -- given that was really my first job with --
20 with any banking institution to begin with, in answer
21 to the question, to know money went through the bank
22 to an individual who may have been involved or a family
23 of an individual who had been involved in one -- in an
24 actual -- I don't know. I -- I don't know that.

25 I mean, I was not in a position to know that,

1 given the nature of the job at the time and the brevity
2 of the time period in which I was a manager of the bank.
3 I was not manager of a branch, in other words.

4 Q. BY MR. TOLCHIN: When you were at Arab
5 Bank --

6 A. Yeah.

7 Q. -- were you aware on any level that Arab Bank
8 was being used to transfer money to people who carried
9 out violent attacks --

10 A. No.

11 Q. -- or their families?

12 A. No.

13 MR. ROCHON: Objection to form.

14 THE WITNESS: No.

15 Q. BY MR. TOLCHIN: No?

16 A. No, I'm not -- I was not aware.

17 Q. I lost my paper.

18 Who received funds from the PNF between
19 October 1st, 2000, and February 18th, 2002?

20 A. I do not know the answer to that question
21 with -- with any degree of precision. There are
22 categories of the kind that I described to you. But --
23 but I cannot give you a list, not because I don't want
24 to. I just don't know.

25 Q. Do you know whether Fatah received funds from

1 the PNF between October 1, 2000, and February 2002?

2 A. Yes, it is possible. And certainly given
3 the declaration made by the PNF officials, the -- the
4 Palestine National Fund officials here, I can say, yes,
5 that happened.

6 Q. Okay. Were payments made to specific Fatah
7 officials from the PNF between October 1st, 2000, and
8 February 18th, 2002?

9 A. I do not, you know, have names. I do not know
10 names. But -- but I know that the PNF did make payments
11 to -- to Fatah --

12 Q. Okay.

13 A. -- or individuals affiliated with Fatah.

14 Q. Do you know which individuals?

15 A. No, I do not.

16 Q. Do you know how much those payments were, the
17 dollar value or the amounts?

18 A. No. I -- I do not know either. But with the
19 benefit of the testimony of the officials I referred to
20 and also having -- having spoken to them, they were not
21 amounts of significance that were paid out to people
22 affiliated with Fatah.

23 Q. Besides Fatah, do you know any other
24 organizations or individuals who received payments from
25 the PNF between October 1st, 2000, and February 18th,

1 2002?

2 A. I do not know the answer to that question.
3 I happen to know the answer to the first question
4 because it pertains to Fatah and given my involvement
5 and what I'm doing right now, giving this deposition,
6 and the inquiry and the questions I asked and the
7 documents I read about Fatah.

8 But I do not know, during that period, if the
9 PNF provided funding, although I certainly cannot rule
10 it out because -- because the PLO is -- is PLO with all
11 factions involved. And so it's possible. But I do not
12 know that for -- for a fact.

13 Q. Before you came to testify today --

14 A. Yes.

15 Q. -- in preparation, did you review any records
16 of payments from the PNF to Fatah or to anyone else
17 in the time frame of October 1st, 2000, to February 8
18 [sic], 2002?

19 A. Pardon? Can you please repeat the question?
20 I was distracted. I'm sorry.

21 MR. TOLCHIN: Okay. Can we read -- just read
22 the question back, please?

23 (Pending question read.)

24 Q. BY MR. TOLCHIN: To February 18th, 2002.

25 A. Yeah.

1 No. No, I haven't -- I haven't reviewed
2 records.

3 MR. TOLCHIN: Okay. We need to change the
4 videotape. So we have to take a break necessarily.

5 THE VIDEOGRAPHER: Going off the record at
6 7:55.

7 (Recess from 7:55 p.m. to 8:04 p.m.)

8 THE VIDEOGRAPHER: Going back on the record
9 at 8:04.

10 Q. BY MR. TOLCHIN: Sir, I just want to
11 clarify one thing. When you say that you don't have
12 the information about payment or transfers by the
13 PNF to Fatah or individuals or anyone else during
14 the period of October 1st, 2000, to February 8
15 [sic], 2002 --

16 (Brief court reporter clarification.)

17 Q. BY MR. TOLCHIN: -- February 18th, 2002,
18 are you saying that you don't have the information,
19 or you have it but you're refusing to provide it?

20 A. Absolutely I'm not refusing to provide any
21 information. I am providing all the information I know.
22 And what I said and to confirm is that, based on the
23 testimony given by officials of the PNF, I am aware,
24 based on that testimony, that the PNF, during that
25 period that you refer to, transferred money to

1 individuals affiliated with Fatah. But only based
2 on that testimony. I do not know who they are
3 independently, and I have no information on that.
4 I just know of the fact based on their testimony
5 that I refer to.

6 Q. Okay. So you -- you know in general that it
7 happened, but you don't have the specifics?

8 A. Based on the testimony.

9 Q. Okay. And your testimony would be the same
10 whether I asked about Fatah or any other faction;
11 correct?

12 A. Yes, it would be. Because what I know about
13 it is what I told you. And it is solely based on the
14 testimony. And the testimony I read pertains only to
15 individuals affiliated with Fatah.

16 Q. And this may seem redundant, but it would
17 be the same answer regarding the -- for example, the
18 Democratic Front for the Liberation of Palestine?

19 MR. ROCHON: Objection. Form.

20 MR. TOLCHIN: I'm sorry?

21 MR. ROCHON: Objection. Form.

22 Q. BY MR. TOLCHIN: You would have the same
23 answer if I asked you about PNF transfers to the
24 Democratic Front for the Liberation of Palestine?

25 A. It would be if only because of what I told

1 you and the way I said it. I mean, and it reflects
2 truthfully the situation.

3 What I know about this is solely based on the
4 testimony I read. And the testimony I read pertains
5 exclusively to money that was transferred from the PNF
6 to individuals affiliated with Fatah. So if I know to
7 the extent I know, which is limited, in connection with
8 Fatah, you can infer from that that I know less, if any
9 at all, about others because that's the source of my
10 knowledge of this situation, is that testimony.

11 Q. Okay. Do you have any familiarity with the
12 policies or rules that govern the PNF's distribution or
13 payment of funds between October 2000 and February 18th,
14 2002?

15 A. No, sir, I don't.

16 MR. TOLCHIN: Can I have the paper, please?

17 MR. LEITNER: Which one?

18 MR. TOLCHIN: The one that you scribbled on.

19 MR. LEITNER: (Counsel complies.)

20 Q. BY MR. TOLCHIN: Just backing up to your
21 time at the INF -- the IMF.

22 A. IMF. Yes.

23 Q. Did your appointment at the IMF have something
24 to do with the West Bank or Palestinian Authority?

25 A. Yes, it did.

1 Q. Okay. During the entire time you were at the
2 IMF or --

3 A. No.

4 Q. -- just at the end?

5 A. No. Just at the end. When I was actually
6 stationed here as resident representative of the P --
7 of the IMF to the Palestinian Authority.

8 Q. Okay. Before you were stationed here --

9 A. Yes.

10 Q. -- when you were still in Washington --

11 A. Yes.

12 Q. -- what general areas were you involved with?

13 A. I was assistant to executive director, a
14 member of the board of the IMF, the governing body of --
15 of the IMF and, subsequently, advisor to the executive
16 director who represented a number of countries in the
17 region. The Palestinian Authority -- Palestine was
18 never a member as such and -- and continues to be not
19 a member of the IMF.

20 Q. And after you came here --

21 A. Yes.

22 Q. -- did you, as part of your employment,
23 prepare economic reports about the finances of the
24 Palestinian Authority?

25 A. Palestinian Authority? Yes.

1 Q. And in preparing reports about the finances
2 of the Palestinian Authority, did you review any
3 information or did you need to review information
4 about the finances of the PLO or any of the factions?

5 A. No.

6 Q. It was not connected?

7 A. It was not connected at all.

8 Q. Okay. During the time that you were here with
9 the IMF --

10 A. Yes.

11 Q. -- which were the ministries in the PA that
12 handled financial matters?

13 A. Minister of Finance.

14 Q. And is that still the case?

15 A. That is still the case. We also at the time
16 also dealt with the -- the Palestine Monetary Authority,
17 which is like Central Bank. And we also had some
18 dealings with economic ministries, review of economic
19 conditions, ministries that had interface with the
20 international donor community, like Minister of Planning
21 and International Cooperation, Minister of the Economy.
22 But it was mainly the Minister of Finance, mostly the
23 Minister of Finance and the Monetary Authority.

24 Q. What is the Palestine Monetary Authority?

25 A. It's like Central Bank. It's like Federal

1 Reserve Board, the United States. It's a central bank
2 more or less.

3 Q. Is it part of the Palestinian Authority?

4 A. It is.

5 Q. Back in the time that you were with the IMF,
6 was Yasser Arafat still alive?

7 A. Yes.

8 Q. Yeah. And was he -- and what was his
9 position?

10 A. President of Palestinian National Authority
11 and chairman of the PLO Executive Committee.

12 Q. And was he personally involved in the finances
13 of the Palestinian Authority?

14 A. Based on what I knew then, in -- in the
15 sense of issuing instructions, but not in the sense
16 of actually managing finances of the PA.

17 Q. Okay. Are you familiar with an individual
18 named Muhammad Rashid?

19 A. Yes, I know him.

20 Q. And who is Muhammad Rashid?

21 A. He was economic advisor to late President
22 Yasser Arafat.

23 Q. And when did he become the economic advisor
24 to Mr. Arafat?

25 A. I don't know for sure. But I believe since

1 the beginning, the earlier days of the PA.

2 Q. They went way back?

3 A. Yeah. I believe that to be the case. But
4 I do not know for certain. I mean, I cannot give you
5 a date.

6 Q. Okay.

7 A. But I have never known him but in that
8 capacity.

9 Q. What was Mr. Rashid's function as economic
10 advisor to President Arafat?

11 A. Among other things, he managed investments
12 of the Palestinian Authority.

13 Q. And what year did Mr. Arafat stop being the
14 President?

15 A. When he died.

16 Q. And what year was that?

17 A. November 2004.

18 Q. And was it 2004 or 2003?

19 A. 2004.

20 Q. And since the death of Arafat, what function
21 has Mr. Rashid had?

22 A. Actually, if I recall correctly, he ceased
23 to have involvement with the investments of the
24 Palestinian Authority before President Arafat died.
25 Exactly when that was, I cannot tell you for sure.

1 Maybe -- maybe earlier that year, the earlier part
2 of 2004.

3 Q. Okay. Did you meet with Mr. Rashid?

4 A. I did.

5 Q. Did Mr. Rashid have any official position
6 in the PA? Or -- or was this a -- a -- a position
7 personally with Mr. Arafat?

8 A. Oh, he did have a position.

9 Q. He did or did not?

10 A. He did, as a -- as economic advisor to the
11 President. That was his title.

12 Q. Is there somebody who's the economic advisor
13 to the President today?

14 A. There is.

15 Q. And who's that?

16 A. His name is Mohammad Mustafa.

17 Q. How -- how about an individual named Farouk
18 Afranji?

19 A. He is the head of the pension fund.

20 (Brief court reporter clarification.)

21 THE WITNESS: Pension fund.

22 Q. BY MR. TOLCHIN: Which pension fund are
23 you talking about?

24 A. Palestinian Authority's pension fund.

25 Q. And what is the Palestinian Authority's

1 pension fund?

2 A. It's a -- it's a pension fund for PA's
3 employees.

4 Q. Who -- who receives a pension from the pension
5 fund?

6 A. People who are pensioners who have worked for
7 the Palestinian Authority.

8 Q. Are you familiar with an individual named
9 Walid Najjab?

10 A. Can you repeat the name, please?

11 Q. Walid Najjab.

12 A. Yes.

13 Q. Who's Walid Najjab?

14 A. Walid Najjab is someone who I know has been
15 handling matters related to lawsuits in a area of
16 providing logistical support to the teams based on
17 my own appointment to him to -- tasking him with that
18 by me.

19 Q. Is he an employee of the PA?

20 A. No, no. He's not.

21 Q. Is he a -- is he paid by the PA for what he
22 does?

23 A. Yeah. For the services he provides.

24 Q. Is he a consultant?

25 A. Yes. In that capacity, yes.

1 Q. Okay.

2 A. But he's not involved in anything more than
3 what I've just told you.

4 Q. And when did he first become involved with
5 the PA?

6 A. This must have been --

7 MR. ROCHON: I'm just going to object and ask
8 for clarification. When you say "involved," with the PA
9 or involved in connection with the answer he just gave?

10 MR. TOLCHIN: With the PA.

11 MR. ROCHON: Okay.

12 THE WITNESS: Oh, with the PA?

13 Q. BY MR. TOLCHIN: Yeah. When did he first
14 become involved with the PA, Mr. Najjab?

15 A. Well, I don't know.

16 Q. That probably goes back before you.

17 A. Yeah. Well -- well, I do not know for
18 sure the answer to this question. In -- I was going
19 to answer this -- I thought you were going to ask me
20 a question in connection with his current assignment,
21 providing logistical support to what we do.

22 That must have happened in maybe spring --
23 late spring 2007, early summer, something like that.
24 But before that -- before that, he worked as a deputy
25 director of the so-called PIF, Palestine Investment

1 Fund. And that -- that was the investment arm of the
2 Palestinian Authority.

3 Q. When you say it was --

4 A. Yes.

5 Q. -- do you mean to say it is not anymore?

6 A. No. I -- when it was set up, it was set up --
7 you know, going back to the question you asked before
8 as to what Muhammad Rashid was doing, managing finances,
9 managing investments of the PA, those investments were
10 consolidated by me as Finance Minister, as a matter
11 of fact. And I know about that because that's one
12 of the reforms that we produced, to consolidate those
13 investments and to manage them properly through a board
14 and all.

15 It was set up for that purpose, to basically
16 manage the investments of Palestine National Fund in
17 a consolidated fashion. It had a CEO, and it had a
18 deputy CEO. It had staff, and it had a board. And in
19 my capacity ex-officio, as Minister of Finance, I was
20 chairman of that board. So I knew Walid Najjab also
21 in that capacity.

22 Q. You used the term "ex-officio."

23 A. Yes.

24 Q. Could you explain what you mean by that?

25 A. By virtue of being Finance Minister at the

1 time the fund was set up, the Finance Minister, in his
2 capacity or the capacity as Finance Minister, was to
3 be the head of the board -- chairman of the board.

4 Q. As the --

5 A. That's what I meant.

6 Q. As the Finance Minister --

7 A. Yeah.

8 Q. -- were you ex-officio member of any other
9 boards or bodies?

10 A. Yes. Yes. The board of directors of the
11 pension fund.

12 Q. Uh-huh. Anything else?

13 A. No. No.

14 Q. Are you familiar with an individual named
15 Rafiq Husseini?

16 A. Yes.

17 Q. Who's that?

18 A. Director of Office of the President.

19 Q. And how long has he been involved with the PA?

20 A. I do not know exactly, but probably months
21 after President Abbas became President. Three, four
22 months after President Abbas became President, which
23 was January 2005. So when Rafiq Husseini joined, I do
24 not know the precise answer or date. But it must have
25 been, like, a few months after the election of President

1 Abbas to his position as President.

2 Q. And is Mr. Hussein involved with the PA
3 today?

4 A. He still formally holds that title. But he's
5 been suspended a couple weeks ago, three weeks ago.
6 I -- I do not -- again, the past couple of weeks.

7 Q. He holds that position, but he's suspended?
8 Or he's --

9 A. Formally --

10 Q. -- technically not holding the position
11 because of the --

12 A. Well --

13 Q. -- suspension?

14 A. Well, he's not -- as I understand it --
15 I mean, he -- he's not handling any official duties.
16 And he has not been since the suspension, which
17 probably occurred a couple of weeks ago. And --
18 and to the best of my knowledge, he's not handling
19 any official chores.

20 Q. Okay. Are you familiar with an individual
21 named Fuad Shabuki? Shubaki?

22 A. Fuad --

23 Q. Shobaki?

24 A. Fuad Shubaki. Yes.

25 Q. Fuad Shubaki?

1 A. Yes.

2 Q. Who is Fuad Shubaki?

3 A. Fuad Shubaki, he -- this was before my days
4 with the Palestinian Authority. And I believe he was --
5 I believe -- I do not know that for -- for a fact. But
6 I believe he was the -- I don't know if I would call him
7 head of something. But he was in charge, I believe, of
8 an entity that's called a Sachla (phonetic), which was
9 a co-op for the security services.

10 Q. A co-op for --

11 A. Co-op for security services.

12 Q. What does that mean, "co-op for security
13 services"?

14 A. Co-op is a co-operative for personnel in a
15 security establishment, where they want to buy things
16 basically, presumably for lower prices like other
17 co-operatives.

18 Q. Okay. Did Mr. Shubaki have any func -- any
19 role in the Palestinian Authority at any time?

20 A. He had -- that's -- that's what I recall about
21 him. Again, I -- I really was not with the PA during
22 that period. And by the time I joined the Palestinian
23 Authority, he had already been under arrest. So I
24 didn't have dealings with him.

25 Q. During the time that you were at the IMF but

1 stationed here --

2 A. Yes.

3 Q. -- did you conduct any inquiries or
4 investigation into use of Palestinian Authority
5 funds for activities involving violence?

6 A. I did. I did in -- in connection with --
7 with charges made that PA funds were used to fund
8 terror activities.

9 Q. And did you make a written report of that
10 investigation?

11 A. You know, there was an investigation that
12 was conducted by an organ of the European Union.
13 They were look -- looking into allegations to that
14 effect. And they discussed the matter with me. They --
15 they inquired about it in a formal way. There was a
16 commission of inquiry, if you will, that was designated
17 to do that by the European Parliament.

18 Q. What I'm getting at is: Is there a -- a
19 document that one could look at to learn more about
20 the investigation that you've talked about today?

21 A. They -- they produced -- that commission of
22 inquiry produced a report which they submitted to the
23 European Parliament. But it's not a PA document.

24 Q. It's an IMF document?

25 A. No, no. No. It's a European Union document.

1 It's a document that was prepared by the commission of
2 inquiry appointed to look into those allegations by the
3 European Parliament.

4 Q. Let me see if I'm understanding.

5 A. Yeah.

6 Q. You were at the IMF --

7 A. No, no, no, no. You're talking about --

8 Q. My question began with "when you were at the
9 IMF."

10 A. Oh, it was IMF? No. I mean, I thought you
11 were asking -- so can you please check the record?

12 Q. No, we'll -- we'll --

13 A. Can you read me what -- what I said on this?

14 Q. I'll -- I'll -- I'll clarify it.

15 A. I thought you were saying something about the
16 period when I was involved with the PA in a official
17 capacity. I was --

18 Q. Yeah. I was going to ask you that next.

19 A. Aah, well, you know --

20 Q. So the first question was: When you were
21 at the IMF --

22 A. Aah, I see.

23 Q. -- did you do any investigation about the --

24 A. No.

25 Q. -- PA use of funds --

1 A. No, no.

2 Q. -- to fund terror activities?

3 A. No, no.

4 Q. No?

5 A. No.

6 Q. Okay. And then later, after you came -- after
7 you became the Finance Minister --

8 A. That is correct.

9 Q. -- did you conduct any investigation in terms
10 of -- into PA use of funds or use of PA funds for
11 violent activities?

12 A. Yes. And that would be the -- the answer that
13 I have just given to the question you just raised.

14 Q. So as Finance Minister, you cooperated with
15 a --

16 A. Yeah, yeah.

17 Q. -- European --

18 A. Yeah.

19 Q. -- Union inquiry?

20 (Brief court reporter clarification.)

21 Q. BY MR. TOLCHIN: So as Finance Minister
22 you cooperated with a European Union inquiry, which
23 ultimately became a European Union report presented
24 to the European Parliament --

25 A. That is correct.

1 Q. -- is that correct?

2 A. That is correct.

3 Q. Okay.

4 A. I can confirm that. Yes.

5 Q. And do you know the name of that report?

6 A. I think it was OLAF Report. OLAF.

7 Q. OLAF Report?

8 A. OLAF Report.

9 Q. And what year was the OLAF Report?

10 A. 2004, early 2005, within that time frame.

11 You know, I can't be 100 percent certain. But it was
12 in that time frame.

13 Q. And do you know what time period the report
14 covered? In other words, what period of time, looking
15 back, was it analyzing?

16 A. As best as I can recall, it covered the
17 earlier years of the Intifada because this was --

18 Q. The Second Intifada?

19 A. Second Intifada. It was based on -- or was --
20 to the best of my recollection was a report that was
21 prepared by an official of the Israeli government. The
22 report was -- I believe was called the Naveh report,
23 got wide circulation and the attention of many in the
24 international community, including the European Union,
25 European Parliament. And I believe it was against that

1 backdrop that the commission of inquiry was set up and
2 commissioned and tasked to do what it did.

3 Q. Did you read the OLAF Report?

4 A. I did.

5 Q. And did you agree with it, disagree with it,
6 agree with parts of it, disagree with parts of it?

7 A. Now, you know, you're talking about years
8 back.

9 Q. Uh-huh.

10 A. And, you know, my own recollection and a
11 number of those questions that were raised in the
12 report -- now, if I'm not mistaken, by the way -- I
13 really have to, you know, go back to refresh my memory
14 in terms of when things actually happened in terms of
15 time sequence. I read it long before -- long before
16 I was asked questions about it by the commission of
17 inquiry.

18 My own independent assessment of what was
19 in the report, without at the time, you know, looking
20 into each allegation as such, that there were a number
21 of misconceptions as to the structure of PA finances
22 and what certain modes of operation actually meant or
23 entailed relative to the conclusions which the report
24 came to. But there are a number of examples of that.

25 So I -- I thought -- my own impression was

1 that there was serious flaws in the report. There
2 was -- in the events. There were flaws in the report,
3 you know, conclusions relative to evidence, if you will,
4 information, conclusions. The conclusions were not,
5 you know, borne out by the facts of the situation.
6 And I remember a number of examples of that. So that
7 was before I actually was questioned on it or on the
8 contents of that report in detail by that commission.

9 MR. ROCHON: If -- if we could, Mr. Tolchin,
10 if you could -- his answer's about a report. Could you
11 clarify which report?

12 MR. TOLCHIN: The OLAF Report.

13 MR. ROCHON: I -- I just wanted to make sure.

14 MR. TOLCHIN: Yeah. We all understood that.

15 Q. BY MR. TOLCHIN: Did the OLAF Report find
16 that there were some PA funds that couldn't be
17 accounted for?

18 A. No.

19 Q. No?

20 A. I believe the conclusion of -- of that report
21 was that there was no evidence linking PF -- PA funds to
22 funding terrorist activities.

23 Q. Are you familiar with an individual named
24 Abdul Majeed Shoman?

25 A. Abdul Majeed Shoman?

1 Q. Yes.

2 A. Yeah.

3 Q. Who --

4 A. He was -- he was chairman of the board and, I
5 believe, general manager of the Arab Bank until he died.

6 Q. Okay. Do you have any family relationship to
7 the Shoman family?

8 A. No.

9 Q. None at all?

10 A. No.

11 Q. Do you have any friendship relationship to the
12 Shoman family?

13 A. No.

14 Q. Were you personally acquainted with Abdul
15 Majeed Shoman?

16 A. Yes. When I was regional manager of the
17 Arab Bank, he was the chairman of the board and the
18 general manager of all Arab Bank operations. So I
19 met him actually in that capacity.

20 Q. Let me just clarify.

21 Are -- are you related to the Shoman family
22 by marriage?

23 A. No. No, no.

24 Q. I just wasn't clear, if you said you weren't
25 related --

1 A. No.

2 Q. -- but maybe your wife was?

3 A. No personal relation whatsoever. It was
4 a professional relationship. I met him first when
5 I became manager of the operation of the Arab Bank
6 in Palestine.

7 Q. When you were involved with Arab Bank --

8 A. Yes.

9 Q. -- was your office in Ramallah or --

10 A. It was.

11 Q. -- someplace else?

12 A. It was in Ramallah.

13 Q. Okay. And how many people in total did you
14 oversee?

15 A. It's hard for me to remember that. But --

16 Q. The order of magnitude is fine.

17 A. Maybe twelve, thirteen hundred people. I --
18 I just can't remember now. I -- I really can't. But --
19 but we're not talking about multiples of that, and we're
20 not talking about a fraction of that either.

21 Q. Uh-huh.

22 A. As you say --

23 Q. Yeah.

24 A. -- ball -- ballpark.

25 Q. Might have been eleven hundred or --

1 A. Ballpark, something like that.

2 Q. Okay. And can you describe what were your
3 responsibilities at Arab Bank?

4 A. To oversee the overall operation. And I would
5 want to, again, affirm that I was there only for a very
6 short period of time which coincided -- this is not
7 insignificantly -- with the period when the Israeli Army
8 started to get into the cities of the West Bank and for
9 part -- part of the reason I was unable even to go to --
10 to -- to the headquarters and would -- would operate
11 from another -- from a branch in another area because
12 I was not there.

13 So it was overall management responsibilities,
14 but not a manager of a branch of the bank. I was not a
15 branch manager so to speak. You know what I'm saying?

16 Q. Okay. Just to clarify for the record, when
17 you use the term the "Second Intifada" --

18 A. Yes.

19 Q. -- what time period are you talking about?

20 A. That -- the time period is -- as a reference
21 point for when it started, it's September 28th, 2000.

22 Q. And when would you say that it ended?

23 A. I'm not sure I really can put a certain
24 date -- date certain on when it ended.

25 Q. It sort of faded out?

1 A. Something like that. Yeah.

2 Q. Could you put a -- a year when you -- when
3 you would say it was definitely over?

4 A. A year after 2000?

5 Q. No. Would you -- could you say it was
6 definitely over by 2004, 2005, 2000 anything?

7 Maybe you don't think it's over. I don't
8 know.

9 A. I really do not know, you know, when. But --
10 but your characterization of it is -- is -- is, I think,
11 fair in a sense of it having faded as opposed to ended.
12 So everybody is able to go back and say when it began,
13 you know, how it started. But in a sense of it ending,
14 it's one of those things that just basically faded away
15 over time.

16 Q. Uh-huh. And what were the exact dates of your
17 employment at Arab Bank?

18 A. I don't recall exactly. But it was a matter
19 of a few short months, about four months.

20 Q. Starting?

21 A. I believe January, February 2002 up until the
22 time I became Minister of Finance of the PA.

23 Q. Which was? June 2000 --

24 A. June 2002. So I was there for a very short
25 period of time.

1 Q. Okay.

2 A. I mean, I was not -- obviously, becoming a
3 minister is not something I planned on doing. It was
4 not -- when I took up that job, it was not really taking
5 it as a temporary job or something like that. But that
6 other thing happened and I -- and I moved on.

7 Q. Now, but when you were at Arab Bank, you were
8 aware of the existence of the Second Intifada --

9 A. Oh, yes.

10 Q. -- correct?

11 A. Oh, yes.

12 Q. And were you aware of that -- were you aware
13 that there were major suicide bombing attacks that were
14 going on at that time?

15 A. Yeah, I was aware.

16 Q. And major shooting attacks that were going on?

17 A. I was aware of that as I was also, of course,
18 of curfews, military incursions by Israeli Army, raids.
19 And there was a lot of violence during that period.

20 Q. So you were aware of attacks such as the --
21 I believe it was August 2001 suicide bombing at the
22 Sbarro's restaurant in Jerusalem?

23 A. Every time that happened, of course, everybody
24 was aware of it when it happened for sure.

25 Q. And they don't --

1 A. But I do not remember the dates or -- or
2 the names. But for sure, I mean, those were huge and
3 significant events when they happened. Everybody knew
4 that something bad happened.

5 Q. And the -- the same with the June 2001
6 Dolphinarium bombing?

7 MR. ROCHON: Objection.

8 THE WITNESS: Even -- I don't know if I
9 can confirm dates now. But as I told you, every time
10 something like that happened, there's hardly anyone
11 who did not know it happened. And I certainly knew.
12 I mean, it was all over for sure.

13 Q. BY MR. TOLCHIN: Okay. As the regional
14 manager, albeit for a short time --

15 A. Yes.

16 Q. -- but as the regional manager of Arab Bank,
17 did you have any concerns about whether Arab Bank was
18 involved with terrorism?

19 A. No, I did not have concerns that the bank was
20 involved. I had concern about the bank in the sense of
21 ensuring that managers -- branch managers, bank managers
22 knew their customers. And I remember actually putting
23 out directives to this effect, thinking it was important
24 to do. And this happened at the time, which as you
25 know, after September 11, became an important issue.

1 And I felt it as my responsibility, as a overall manager
2 of the operations in Palestine, to ensure that managers
3 understood -- bank managers, branch managers -- the
4 importance of knowing their customers. And the -- the
5 bank had a heightened sense of responsibility, which
6 I projected, you know, as manager of the operation.

7 Q. What does it mean "know your customer"? What
8 does that term mean?

9 A. Yeah. It meant, for example, that people
10 could not walk in a bank and open an account with cash
11 money, for example. That bank -- somebody could not
12 open an account.

13 These are rules. They're not -- you know,
14 my background was not banking. I was there basically
15 during, if you might describe it as such, an orientation
16 phase when all of this was happening, but things that
17 to me were basic and understood they needed to be done.
18 And the bank, as a corporation globally, you know, had
19 that policy for sure.

20 It meant those specific things. You cannot
21 bring in even a check without declaring as to where it
22 came from and what transaction it covered. And, you
23 know, from time to time, during those very few short
24 months, things would be referred to me as an overall
25 manager. Should we accept such and such? Where there

1 was -- and when -- whenever there was doubt of any kind,
2 the answer was, no, don't accept it.

3 Q. Why was --

4 A. So there was that.

5 Q. Why was this "know your customer" policy
6 important to you?

7 A. What I --

8 MR. ROCHON: Mr. Prime Minister, I'm
9 objecting.

10 THE WITNESS: Yeah.

11 MR. ROCHON: Your -- object. You're
12 conducting discovery in a case that isn't even the
13 case that's here. We all know there's an Arab Bank
14 litigation that relates to these questions. Hundreds
15 of depositions have been taken in it. That's not this
16 case.

17 So you're not only outside the scope of
18 the notices and the reason for being here. It's an
19 area which the Prime Minister, of course, hasn't been
20 prepared because it's unrelated litigation. And it's
21 really getting so far afield.

22 You suggested you might not have enough time
23 to get this done. And so we'd ask you to try to get
24 to at least this case with your questions that are out
25 there.

1 MR. TOLCHIN: I believe -- I believe I am
2 addressing this case. And I'll be happy to talk with
3 you later about how I think it fits in.

4 Q. BY MR. TOLCHIN: Why was the -- why -- why
5 was knowing your customer important to you?

6 A. The issue of money laundering generally to --
7 to bankers was always an important consideration. And
8 I knew that. I mean, as I told you, I lived in the
9 United States for a number of years as a professional,
10 worked for the IMF, which is an institution of finance.
11 So it's something that I always knew something about.
12 I mean, really.

13 Or the issue became a lot more significant
14 and -- you know, after September 11. But even before
15 that, if you go back to the way things were in the
16 United States -- and when -- what I -- what I just
17 described to you about basic rules -- you know, I do
18 not know when those basic rules became basic rules in
19 the United States even. But -- but things evolved in
20 connection with money and -- and things of that nature,
21 money laundering generally.

22 So it stands to reason that anyone involved
23 in banking would have been aware of the need to pursue
24 something that bankers know and refer to as "know your
25 customer" policy, something which became a lot more

1 important after September 11 for sure.

2 Q. I'm going to ask you about a few more people.
3 Who is Mahmoud Abbas?

4 A. President of the Palestinian National
5 Authority.

6 Q. And when did he assume that role?

7 A. January 2005.

8 Q. And before January 2005, did he have any role
9 in the PA?

10 A. He was Prime Minister for three to four months
11 in 2003.

12 Q. And before that?

13 A. He did not have an official capacity within
14 the PA until then.

15 Q. Who is Abbas Zaki?

16 A. He is currently a member of Fatah Central
17 Committee. And I believe he was before in that
18 capacity. By that, I mean before the Fatah convention
19 that was held in August of last year.

20 Q. August of '09?

21 A. August 2009.

22 Q. So in 2008?

23 A. Yeah. He was a member of the Central
24 Committee of the PL -- of the -- of Fatah. Fatah.
25 I'm sorry.

1 Q. Fatah?

2 A. Yeah.

3 Q. Did he -- does or did he ever have a position
4 in the PLO?

5 A. In the PLO? I don't know for sure, but I
6 don't think so.

7 Q. Does he or did he ever hold a position in
8 the PA?

9 A. In the PA? I don't believe he did.

10 Q. Okay.

11 A. He was a member, by the way, of the PLC, a
12 legislator. He was a member of Parliament.

13 Q. Okay. Are you familiar with an individual
14 named Kifah Radaydeh?

15 A. Can you say that again, the name? I'm sorry.

16 Q. Kifa, K-i-f-a [sic].

17 A. Kifa?

18 MR. SAADI: Kifah.

19 Q. BY MR. TOLCHIN: Okay. Kifah.

20 A. Yes.

21 Q. And the last name is R-a-d-a-y-d-e-h.

22 A. Let me write it down and see if I can
23 reconstruct it. Can you spell it, please, for me?

24 Q. Sure. R-a-d-a-y --

25 A. R-a-d --

1 Q. -- a-y --

2 A. -- a-y --

3 Q. -- d-e-h.

4 A. -- d-a --

5 Q. E-h. E-h.

6 (Brief court reporter clarification.)

7 THE WITNESS: Oh, I'm -- I'm sorry.

8 Q. BY MR. TOLCHIN: We'll fix it. Don't
9 worry.

10 A. I apologize.

11 I hope I can recognize the name. I just
12 really don't know. Radaydeh. Radaydeh. Radaydeh.
13 Kifah Radaydeh.

14 Can you tell me more about -- given my
15 position, there are a lot of names. If you can mention
16 something to me -- I don't want to say no because --
17 but I --

18 Q. I'll -- I'll --

19 A. -- do not have --

20 Q. I'll tell you this. I -- I have a video clip
21 with her picture and --

22 A. Oh, she's a woman?

23 Q. It's a woman.

24 A. Oh. Kifah Radaydeh.

25 Q. I'm pretty sure it's a woman.

1 A. I don't know. I mean, I really don't know.
2 But -- but in my position, a lot -- a lot of people.
3 By face maybe.

4 Q. Okay.

5 A. But -- but it's -- it's not someone I -- I
6 know or I can tell you readily I know.

7 Q. Fair enough.

8 A. Yeah.

9 Q. Are you familiar with an individual named
10 Muhammad Dahlan?

11 A. Yes.

12 Q. And who is he?

13 A. He's currently a member of Central Committee
14 of Fatah as well as a member of the PLC, the Palestinian
15 Legislative Council. And before Fatah's last
16 convention, August 2009, he was member of the
17 Revolutionary Council Fatah [sic]. And in the earlier
18 years of the PA, he was head of the Protective Security
19 Service in Gaza.

20 Q. When did he stop being head of Protective
21 Security Service in Gaza?

22 A. He also, by the way, was a cabinet officer
23 at some point as well.

24 Q. In the PA?

25 A. Yeah. He was a cabinet officer, I believe

1 twice, once in the government that was headed by
2 President -- now President Abbas and one that lasted
3 three to four months. And he also was minister in the
4 cabinet presided over by Abu Ala'a, I believe, during
5 the 2004, 2005 period, something like that. Yeah.

6 Now, when he ceased to be head of Protective
7 Security, I do not recall for sure. But I believe, when
8 he became minister first time in 2003, he stopped being
9 head of PSO. But I can't be -- I don't recall for sure.

10 Q. So in 2009 before --

11 A. Yeah.

12 Q. -- the election?

13 A. 2009 there was no election. Oh, election for
14 Fatah membership?

15 Q. Right.

16 A. Yeah. Yeah.

17 Q. But -- let's say March of 2009, what position
18 did --

19 A. March 2009.

20 Q. -- Mr. Dahlan hold?

21 A. March 2009, member of PLC, Palestinian
22 Legislative Council. And so far -- far as involvement
23 of Fatah, he's member of the Revolutionary Council of
24 Fatah.

25 Q. And what is the Revolutionary Council of

1 Fatah?

2 A. It's a -- it's a broader, in terms of
3 membership, organ of the Fatah movement. Central
4 Committee of Fatah is the highest organ of the movement.
5 This is more like its smaller party congress so to
6 speak.

7 Q. Who is Ashraf Aj -- Ajrami?

8 A. He was cabinet officer in a government that
9 had -- I had beginning in June 2007.

10 Q. And what position did he hold?

11 A. Minister of Prisoners and -- and Released
12 Prisoners' Affairs, as a literal translation of the
13 portfolio.

14 Q. Detainees and released --

15 A. Yes.

16 Q. -- prisoners?

17 A. Yes.

18 Q. Okay. And what is his position today?

19 A. He doesn't have any.

20 Q. When did he stop having a position?

21 A. I believe May 2009.

22 Q. What happened in May 2009 to --

23 A. There was a cabinet reshuffle.

24 Q. There was a cabinet reshuffle?

25 A. Yes.

1 Q. So after May 2009, did Mr. Ajrami have any
2 position at all in the PA?

3 A. No.

4 Q. Did he have any position in the PLO?

5 A. Not that -- I don't know.

6 Q. Okay. What about Imad Falugi?

7 A. Imad Falugi. Yeah, he was member of the PLC
8 during the first term of the council, which lasted until
9 January 2006. He was not member of the council that was
10 elected in January 2006. He was a PA cabinet officer
11 in telecommunications going back to the '90s actually.
12 But I do not recall off the top of my head now other
13 details.

14 Q. Okay. So he was a cabinet offer in -- officer
15 in the '90s?

16 A. Yes.

17 Q. And when did he stop being a cabinet officer?

18 A. I cannot tell you for sure. But it's
19 information that is readily verifiable.

20 Q. Was it after 2000 or before?

21 A. You know, I really can't be sure to be honest
22 with you. I -- I just can't be sure. All I know is
23 that he was a cabinet officer who was in charge of
24 telecommunications. Whether his term -- his term is
25 beyond 2000, I'm not -- I'm not sure. But I'm -- I'm

1 certain he was a cabinet officer.

2 Q. Okay. And when you say it's readily
3 verifiable, how would you verify that?

4 A. Going back to the records, he's someone I knew
5 and can be easy to find out, you know. We have -- we
6 have records in terms of government, who was ministers
7 on the cabinet. And it's easy to verify.

8 I don't believe he was a cabinet officer in
9 the first cabinet I -- I joined myself in June 2002.
10 Whether that was when he ceased to be a minister or
11 whether that happened previously, I'm not really sure.

12 Q. Okay.

13 A. I mean, we -- we have -- the government that
14 I now have is No. 13. So we have had many governments
15 over the period '94 to now.

16 Q. Like Italy.

17 Are you familiar with somebody -- Mazen Izz
18 Al-Din?

19 A. Mazen Izz Al-Din. Yeah, someone I'm -- I'm
20 familiar with. I know.

21 Q. Who is Mazen Izz Al-Din?

22 A. Mazen Izz Al-Din -- last job he held was --
23 I'm trying to translate now. That's why I'm pausing.
24 Head of commissioner of -- this is difficult.

25 (Brief comment in Arabic by the witness.)

1 Q. BY MR. TOLCHIN: Do you need the
2 translator who's waiting outside?

3 (Brief comment in Arabic by the witness.)

4 THE WITNESS: I don't know how to translate
5 that.

6 (Brief comments in Arabic by Mr. Saadi and
7 the witness.)

8 THE WITNESS: If you have one, I mean, I don't
9 mind. But I'm trying to come up with a --

10 (Brief comment in Arabic/Hebrew by Mr. Saadi.)

11 MR. TOLCHIN: He's always very good at this.

12 THE WITNESS: Let -- let me -- let me --

13 (Brief comment in Arabic by Mr. Saadi.)

14 MR. ROCHON: If -- if we could keep the record
15 clear. With everybody talking, the court reporter is
16 going to have an impossible time to get it down.

17 MR. TOLCHIN: Do you want to go off the record
18 for a moment?

19 MR. ROCHON: No. I'm just saying that
20 all these people talking makes it hard on the court
21 reporter.

22 (Brief comment in Arabic/Hebrew by Mr. Saadi.)

23 THE WITNESS: I can tell you the content of
24 it, I mean, in terms of what it does. I mean, but that
25 particular position is one concerned with messaging in

1 terms of overall direction of what is a good message
2 from a Palestinian point of view, security establishment
3 should do, should understand, basis on which they should
4 operate, things like that.

5 Q. BY MR. TOLCHIN: Helping to set overall
6 policy?

7 A. No. To communicate it. To communicate --

8 Q. Communications director?

9 A. -- what -- not -- not communicate it. Not
10 make it. They do not make policy.

11 Q. Spokesperson?

12 A. Close, except that you -- it's not really the
13 official job. Spokesperson in terms of the person
14 communicating policy to the security establishment.

15 Q. Director of communications?

16 A. You may -- may call it that liberally.

17 Q. Okay.

18 A. Yeah.

19 Q. Obviously if you think of a better
20 translation --

21 A. I would --

22 Q. -- you'll have a chance to correct the
23 transcript.

24 A. Yeah.

25 Q. And you can --

1 A. But -- but, you know, he -- he served in that
2 position up until recently. He retired.

3 Q. So start -- starting when until --

4 A. I really cannot tell you that. He's not
5 someone I know that much.

6 Q. Going back to the '90s?

7 A. I -- I don't know. I don't know the answer
8 to this question. Maybe. But I really cannot -- cannot
9 say. I don't know for sure. All I know is that he
10 continued to serve in that capacity up until recently.

11 Q. Was -- was he part of the last administration
12 of Mr. Arafat?

13 A. He was not a cabinet officer. I should make
14 this clear. He was not a cabinet officer. I believe,
15 you know, he served in that capacity, yes, during
16 President Arafat's era. But, you know, he's not someone
17 I had dealings with. So I -- I really do not remember.
18 I don't know for sure when he started doing it. But I
19 know what he ended up doing, which is this job that I
20 have just tried to explain to you. And I know that he
21 stopped doing it fairly recently.

22 Q. Okay. And regarding President Arafat, is it
23 accurate that he was the President of the PA from its
24 inception until his death with no interruption?

25 A. Oh, yes, that's President Arafat.

1 Q. Yes.

2 A. Yes. That's correct.

3 Q. Is there a individual named, I believe, Jibril
4 Rajoub?

5 A. Yes.

6 Q. And who was that?

7 A. He was head of the Protective Security in the
8 West Bank.

9 Q. What does that mean "Protective Security"?

10 A. It's an agency of -- security agency of
11 Palestinian Authority.

12 MR. TOLCHIN: Okay. Let's go off the record
13 for a moment.

14 THE VIDEOGRAPHER: Going off the record at
15 8:54.

16 (Recess from 8:54 p.m. to 9:03 p.m.)

17 THE VIDEOGRAPHER: On the record at 9:03.

18 Q. BY MR. TOLCHIN: Okay. What I'm going
19 to show you is something that I've designated as
20 Clip 14.

21 A. Yes.

22 Q. It's the Exhibit 1-1 from the MEMRI
23 deposition, which should be MEMRI No. 2210. And I'll --
24 I'll let it play if you'd like, or I could just freeze
25 it.

1 A. (Viewing video clip.) No, that's -- that's
2 fine. It's better this way.

3 Q. Okay. So do you know who this individual is?

4 A. When you flashed it first, before we went on
5 the record, his name was on the screen. And I saw his
6 name. I would not have recognized him but for that.
7 The clip says his name is Munir Magdah. I know of him,
8 but I don't know him. I would not have recognized him
9 had it not been for the fact that his name was on the
10 screen at the bottom.

11 Q. And do you know who Munir Magdah is?

12 A. He is in Lebanon. That's what I know about
13 him. He's not -- he's not here.

14 Q. Does he have anything to do with the PA, PLO,
15 Fatah?

16 A. Certainly nothing to do with the PA for sure.

17 Q. PLO or Fatah?

18 A. I -- I don't know.

19 MR. ROCHON: And as we go along, just so
20 it's clear, this isn't an -- an exercise to see if the
21 Prime Minister can read the names under the photographs,
22 but to see whether he independently recognizes the
23 people in them. Am I --

24 MR. TOLCHIN: Well, we need to know who these
25 people are.

1 THE WITNESS: Yeah. Okay.

2 MR. ROCHON: Right. But I -- I just -- if
3 a name runs underneath but the Prime Minister actually
4 doesn't recognize the person, he's just reading a clip.

5 Q. BY MR. TOLCHIN: So he's told us that it
6 says that there and he can't --

7 MR. HIBEY: He cannot identify the person.

8 MR. TOLCHIN: He can't identify him, but he
9 can tell me who the abstraction of Munir Magdah is.

10 THE WITNESS: If you had showed me that
11 picture without the name, I would not have been able
12 to identify him.

13 Q. BY MR. TOLCHIN: Okay. Fair enough.

14 Moving on. This is Clip 15, which is
15 Exhibit 1-2 from the MEMRI deposition, MEMRI No. 2209.

16 A. (Viewing video clip.) That's Jibril Rajoub.

17 Q. That's Jibril Rajoub. Okay.

18 A. Jibril Rajoub. And, by the way, his name was
19 also on the screen. But I recognize him --

20 Q. But you recognize him --

21 A. -- independently.

22 Q. And is it Rajoub or Arjoub or Arajoub?

23 A. It's written differently. The way we say it
24 is Rajoub.

25 Q. Rajoub.

1 A. It's almost like there isn't anything between
2 the "R" and the "J."

3 Q. But it's written --

4 A. It's written different ways. I -- I've seen
5 it written R-a-j. I've seen it written R-o-j. But --

6 Q. Okay.

7 MR. SAADI: G-r.

8 Q. BY MR. TOLCHIN: The next one is Clip 16.
9 This is Exhibit 1-3 from the MEMRI deposition and
10 MEMRI No. 2002.

11 A. (Viewing video clip.) Ahmed Qurei Abu Ala'a.

12 Q. The next clip is Clip 17. This is Exhibit 1-4
13 from the MEMRI deposition, MEMRI No. 2197.

14 A. (Viewing video clip.) That's Muhammad Dahlan.

15 Q. Muhammad Dahlan.

16 Clip 18 is Exhibit 1-5 from the MEMRI
17 deposition. It's MEMRI No. 2195.

18 A. (Viewing video clip.) That's Azzam Al-Ahmad.

19 Q. Say it again.

20 A. Azzam Al-Ahmad.

21 Q. A-z-a-n?

22 A. A-z-z-a-m, as in "Mike."

23 Q. Uh-huh.

24 A. Then Ahmad, A-h-m-a or e-d, depending on
25 how --

1 Q. And who is Azzam Ahmad?

2 A. He's a -- currently a member of Fatah Central
3 Committee. He wasn't before August 2009. He was
4 cabinet officer on different cabinets.

5 Q. Of the PA or --

6 A. PA. PA. Palestinian Authority. He also was
7 and continues to be a member of the PLC.

8 Q. And do you know when he was the cabinet
9 officer?

10 A. I think it goes back to the early days of the
11 PA, I believe.

12 Q. Are you -- has he consistently, from the early
13 days until today, held some office?

14 A. Until -- until -- we were together on that
15 government that lasted only three months. So he was
16 cabinet officer until June 2007.

17 Q. From the early days until June 2007?

18 A. That's what I think, from the early, early
19 days. That's what I believe. But -- but for a long
20 time, you know, cabinet officer.

21 Q. Okay. Clip 19 is Exhibit 1-6 from the MEMRI
22 deposition. It's MEMRI No. 2193. Trying to get a
23 closeup. Can you tell who that is?

24 A. (Viewing video clip.) No. That's -- I can't.
25 And it's only -- the picture is just a distant photo.

1 Can you tell? I mean, I don't see a face even.

2 Q. I don't say you're unreasonable.

3 A. Aah. Okay.

4 Q. Okay. Clip 20 is MEMRI Exhibit 1-7, and it's
5 MEMRI No. 2187.

6 A. (Viewing video clip.) That guy is someone
7 who works for Palestine Television. He's a interviewer.
8 The interviewee is Abbas Zaki.

9 Q. Okay. So the interviewer is the man with the
10 mustache?

11 A. The man with the mustache, he -- he works for
12 Palestine Television. And the guy being interviewed is
13 Abbas Zaki.

14 (Brief comment in Arabic by Mr. Saadi.)

15 THE WITNESS: His name is Ahmad Zaki.

16 Q. BY MR. TOLCHIN: I'm sorry?

17 A. The interviewer's name is Ahmad Zaki.

18 Q. Is Ahmad Zaki?

19 A. The interviewee is Abbas Zaki.

20 Q. And -- but they're different -- different
21 Zakis?

22 MR. SAADI: Different.

23 THE WITNESS: I honestly do not know. But I
24 assume that. I mean, I assume they're not related, but
25 who knows.

1 Q. BY MR. TOLCHIN: Okay.

2 A. That's Abbas Zaki.

3 Q. That's Abbas Zaki?

4 A. Yes.

5 Q. Okay. The next clip is Clip 21. This is
6 Exhibit 1-8 from the MEMRI deposition. It's MEMRI
7 No. 2186.

8 A. (Viewing video clip.) It's not a good
9 picture. But --

10 Q. No, it's not.

11 A. -- I think it's Ziad Abu Ein.

12 Q. Yeah. I think it cleans up after a little
13 while.

14 A. I think it's Ziad Abu Ein.

15 Q. Let it play until you're sure.

16 A. I mean, the guy on the left, I do not know.
17 I mean, he -- I mean, this looks to me like a debate,
18 a split-screen debate. I -- I do not know. The picture
19 is a poor quality. Maybe the guy on the left is -- his
20 name is Hourami (phonetic). It's only because I've seen
21 him on television maybe from Hamas. But I cannot be
22 sure.

23 But the guy on the right is Ziad Abu Ein.

24 Q. Okay. Because of the quality -- that --
25 that's what was on the disk --

1 A. Yeah.

2 Q. -- from the MEMRI deposition. But because of
3 the quality, I re-downloaded it today.

4 A. Yeah.

5 Q. And it's exactly the same thing, but the
6 quality is better.

7 A. (Viewing video clip.) Yeah. The quality --
8 that's Ziad Abu Ein to the right. The guy to the left,
9 I'm not really 100 percent --

10 Q. But this --

11 A. -- certain.

12 Q. This man with the mustache --

13 A. That's Ziad Abu Ein.

14 Q. -- and his collar open --

15 A. That's Ziad Abu Ein.

16 Q. -- is Ziad Abu Ein?

17 A. That's right.

18 Q. Okay. And who is Ziad Abu Ein?

19 A. Ziad Abu Ein is under secretary of the
20 Ministry of Prisoners and Released Prisoners' Affairs.

21 Q. Okay. Clip 22 is Exhibit 1-9 from the MEMRI
22 deposition. It's MEMRI No. 2184.

23 A. (Viewing video clip.) That's Hatem Abdel
24 Qader.

25 Q. That's who?

1 A. Hatem Abdel Qader.

2 Q. H-a-t-e-m?

3 A. Yeah.

4 Q. A-b-d-e-l, Q-a-d-e-r?

5 A. Abdel Qader. These guys spend a good deal of
6 time on television.

7 Q. And who is Hatem Abdel Qader?

8 A. Hatem Abdel Qader. Hatem Abdel Qader. He
9 worked for me for a while as an advisor. Then I named
10 him as Minister of Prisoners and Released Prisoners'
11 Affairs. And he quit a month later in protestation.

12 (Brief court reporter clarification.)

13 THE WITNESS: "Protestation."

14 Q. BY MR. TOLCHIN: Does he have any position
15 with the PA today?

16 A. No, he doesn't.

17 Q. And what period of time did he have some
18 position with the PA?

19 A. It's the period that -- well, he was a member
20 of the PLC, the Legislative Council, during the first
21 term of the council. And apart from the capacity which
22 I just described to you, acting as an advisor to me
23 for a period of time, then serving as a minister in my
24 cabinet, a cabinet which I currently held, for maybe a
25 month or so, if I'm not mistaken, and then he resigned.

1 Q. Okay. And you say he spends a lot of time on
2 television?

3 A. Not -- not in particular reference to him.
4 But I just noticed that all of the videos you -- you
5 show are --

6 Q. Oh.

7 A. -- from interviews of television.

8 Q. Oh, I -- I'm the one who spends a lot of time
9 on --

10 A. No, no, no, no. All of the footage that
11 you showed me is out of interviews. So I said they
12 all spend a good deal of time on television being --

13 Q. Oh, okay.

14 A. -- interviewed.

15 Q. I -- now I understand.

16 A. That's just a comment. It's -- it's not in
17 relation to anything that you said.

18 Q. Clip 23 --

19 A. Yeah.

20 Q. -- is MEMRI Exhibit 1-10.

21 A. Yeah.

22 Q. And it's MEMRI No. 2180.

23 A. (Viewing video clip.) That's Ashraf
24 Al-Ajrami.

25 Q. Say it again.

1 A. Ashraf Al-Ajrami.

2 Q. Oh, okay.

3 A. You asked me about him.

4 Q. Ashraf Al-Ajrami. Okay.

5 A. Yeah. You asked me about him.

6 Q. Yeah. Next one is Clip 24. It's Exhibit 1-11
7 from the MEMRI deposition, MEMRI No. 2085.

8 A. (Viewing video clip.) That's Sultan Abu
9 Al-Einein. Sultan Abu Al-Einein.

10 Q. Abdul?

11 A. Abu Al-Einein.

12 Q. Abu E-n-e-i-n [sic].

13 And who is he?

14 A. He's a -- a member of Fatah Central Committee
15 now.

16 Q. And --

17 A. He never had a capacity with the Palestinian
18 Authority.

19 Q. And how long has he been part of Fatah Central
20 Committee?

21 A. Since August 2009.

22 Q. And before that, did he have any position?

23 A. He was in Lebanon before.

24 Q. And when you say he was in Lebanon, was he
25 involved with Fatah in Lebanon?

1 A. I believe so. I mean, he became a member of
2 the Central Committee, which means that he's a member
3 of the party congress in order to be elected. So he --
4 I'm sure he was Fatah.

5 Q. Is it correct there was a time that the
6 leadership of Fatah was primarily in Lebanon?

7 A. All of the leadership was at some point in
8 Lebanon. Yeah.

9 Q. Before Oslo?

10 A. Oh, long before Oslo. Yeah, long before Oslo.
11 Yeah.

12 Q. The next clip is Clip 25, MEMRI Exhibit 1-12.
13 It's MEMRI No. 1826. This one's a little hard.

14 A. (Viewing video clip.) I do not recognize.

15 Q. There's --

16 A. I mean, there are four people --

17 Q. There's --

18 A. -- there.

19 Q. There's three people here and one big person
20 on a screen.

21 A. I -- I cannot recognize.

22 Q. Would it help if I moved it closer to you?

23 (Brief comment in Arabic by a participant.)

24 THE WITNESS: I would not have recognized.

25 But now that I've heard her name mentioned, Leila

1 Khaled. But I wouldn't be able to tell from my just
2 glance at the actual screen.

3 Q. BY MR. TOLCHIN: So the big woman on
4 the --

5 A. Yeah.

6 Q. -- on what appears apparently on the --

7 A. Yeah.

8 Q. -- screen --

9 A. Yes.

10 Q. -- is who?

11 A. Leila Khaled.

12 Q. And can you recognize any of the other people?

13 A. No.

14 MR. ROCHON: And just to remind everyone, this
15 isn't a collective exercise. It's an exercise by the
16 witness.

17 THE WITNESS: Yeah. I mean, somebody said
18 she looks like Leila Khaled. But I would not have
19 recognized.

20 Q. BY MR. TOLCHIN: Are we back to where the
21 machine should be?

22 A. Oh, that's fine.

23 Q. Okay.

24 A. Yeah.

25 Q. The next clip is Clip 26. It was Exhibit 1-13

1 at the MEMRI deposition. It's -- it was MEMRI No. 1816.

2 A. (Viewing video clip.) That's Abbas Zaki
3 again, wearing a suit and -- and a tie this time.
4 And before without one.

5 Q. Okay. Next one is Clip 27. It was
6 Exhibit 1-14 at the MEMRI deposition, MEMRI No. 1815.

7 A. (Viewing video clip.) This is Jihad Abu
8 Zneid.

9 Q. This is --

10 A. Jihad Abu Zneid.

11 Q. And who is she?

12 A. She's a member of the PLC, Palestinian
13 Legislative Council.

14 Q. For what period of time?

15 A. The one that was elected in January 2006.

16 Q. And did she have a position before that?

17 A. I don't believe so.

18 Q. Clip 28 was Exhibit 1-15 at the MEMRI
19 deposition. And it's MEMRI No. 1714.

20 A. (Viewing video clip.) That's Qadera Fares.

21 Q. And who is the other --

22 A. Qadera Fares. The other woman, I suppose the
23 interviewer. He also is on television. I mean, I've
24 told you everybody is on television. I don't know her,
25 I mean.

1 Q. Qader --

2 A. Qadera Fares is his name.

3 Q. A-f --

4 A. No. F-a-r-e-s, his last name. Fares.

5 Q. Okay. The next one, Clip 29, is the
6 Exhibit 1-16 from the MEMRI deposition. It was MEMRI
7 No. 1205.

8 A. (Viewing video clip.) That's Ziad Abu Ein,
9 the first interview maybe. You're going to have to do
10 like an eye exam. You see this better with this lens
11 or better with that? Ziad Abu Ein for the second time.

12 (Viewing video clip.) Okay. The man on the
13 left is Muhammad Dahlan. And the man on the right is
14 Mahmoud Zahar.

15 MR. ROCHON: Was this clip identified,
16 Mr. Tolchin?

17 MR. TOLCHIN: Oh, sorry.

18 MR. ROCHON: I don't believe you did.

19 MR. TOLCHIN: Thank you.

20 MR. ROCHON: Yeah. So you need to go back and
21 re --

22 Q. BY MR. TOLCHIN: We'll do it again. This
23 is Clip 30, MEMRI Exhibit 1-17, MEMRI No. 1008.

24 A. (Viewing video clip.) The man on the left is
25 Muhammad Dahlan. The man on the right is Mahmoud Zahar

1 in what appears to me to be a split-screen television
2 debate.

3 Q. Tell me the name of the man on the right.

4 A. Mahmoud Zahar.

5 Q. Z-a --

6 A. Zahar. Zahar.

7 Q. Z-a --

8 A. Z-a --

9 Q. -- h-a-r?

10 A. -- h-a-r, let's say. Okay. Close enough.

11 Q. The next one is Clip 31. This was
12 Exhibit 1-18 at the MEMRI deposition, which was
13 MEMRI No. 999.

14 A. (Viewing video clip.) I think you recognize
15 him this time around. That's Rajoub again.

16 Q. So that's --

17 A. Again, Jibril Rajoub.

18 Q. Okay. Clip 32 is Exhibit 1-19 from the MEMRI
19 deposition. And it was MEMRI No. 877.

20 A. (Viewing video clip.) Can you -- aah, yeah.
21 I -- I know this one. Mamdouh Nofal is his name. He --
22 he -- he died.

23 (Brief court reporter clarification.)

24 THE WITNESS: Mamdouh Nofal.

25 Q. BY MR. TOLCHIN: M --

1 A. Mamdouh Nofal.

2 Q. -- a -- M-a-m-d-o-u-g-h [sic]?

3 A. M -- M-a-m-d-o-u-h. That's his first name.

4 And Nofal is N-o-f-a-l.

5 Q. And who was Mamdouh Nofal?

6 A. Mamdouh Nofal is someone I knew -- I met
7 actually probably for the first time, other than in big
8 meetings, in late 2005. But he was -- he was involved
9 with the PLO Central Council. He documented for that
10 period. He wrote about it on -- in that capacity.
11 He -- at the time I knew him, he did not have any
12 official capacity.

13 Q. Was he a historian?

14 A. He was involved in the leadership. I do not
15 know on behalf of which faction of the PLO to be honest
16 with you. I -- I can't tell you right now. But he
17 documented -- he wrote about that period. He was
18 involved himself. But he did not -- to the best of
19 my knowledge and recollection, I do not know if he
20 ever had a position with the PA.

21 Q. Okay. And do you -- did he ever have an
22 official position with the PLO?

23 A. Probably, yeah. I do not know on behalf of
24 which faction. I'm not -- I'm not really sure. And as
25 I told you, apart from casual encounters, I probably met

1 him for the first time only in 2005.

2 Q. The next clip is Clip 33. It was Exhibit 1-20
3 at the MEMRI deposition. And it was MEMRI No. 376.

4 A. (Viewing video clip.) That's a -- a Jordanian
5 writer. His name is Hamada Faraara. Newspaper writer.

6 Q. Maybe he's doing an interview?

7 A. I don't know if he's giving a interview or is
8 interviewing somebody.

9 Q. I'm looking to see if there's some --

10 A. I've seen him interview somebody -- people
11 before. But --

12 Q. He's talking to somebody.

13 A. Well, the man in this video is Hamada Faraara.
14 He's Jordanian.

15 Q. And there's a women in the video as well.

16 A. I don't know her.

17 Q. The next clip is Exhibit 1-21 from the MEMRI
18 deposition. It was MEMRI No. 346.

19 MR. McALEER: Bob, what clip number are you
20 assigning to this -- to this one? Clip 34?

21 Q. BY MR. TOLCHIN: Did I not say it was
22 Clip 34, MEMRI Exhibit 1-21, MEMRI No. 346?

23 A. (Viewing video clip.) That's Hani Al-Hassan.

24 Q. Can you spell it?

25 (Brief comment in Arabic by Mr. Saadi.)

1 THE WITNESS: H-a-n-i is the first name.

2 Al-Hassan, Al, H-a-s-s-a-n.

3 Q. BY MR. TOLCHIN: And who is Hani

4 Al-Hassan?

5 A. He was an officer of PA for a short period of
6 time as Minister of Interior.

7 Q. What period of time?

8 A. I can tell you.

9 Q. What era?

10 A. I'll tell you. I'll tell you. It was the
11 second government I was in. Probably October 2002 up
12 until May 2003, something like that. Less than a year.

13 Q. Uh-huh. And did he have any position before
14 or after?

15 A. Member of Fatah Central Committee, I believe.
16 And no other official position that I know of with the
17 PA.

18 Q. Okay. Next is Clip 35. It was Exhibit 1-22
19 at the MEMRI deposition. And it was MEMRI No. 345.

20 A. (Viewing video clip.) I don't know this man.

21 Q. Don't know him?

22 A. No.

23 Q. The next one is Clip No. 36. And it was
24 Exhibit 1-23 at the MEMRI deposition and MEMRI No. 343.

25 A. (Viewing video clip.) That's Hussein

1 Al-Sheikh.

2 Q. And who is he?

3 A. Hussein Al-Sheikh.

4 Q. No, what --

5 A. Aah.

6 Q. What is his function?

7 A. Well, he's -- he too is a member of Fatah
8 Central Committee now.

9 Q. And does he have a position in the PA?

10 A. Yes. He is head of civil -- so-called Civil
11 Affairs Department.

12 Q. Next clip is Clip 37. It was Exhibit 1-27 at
13 the MEMRI deposition, MEMRI No. 2197. For some reason,
14 this one is small. So I can move it close to you.

15 A. (Viewing video clip.) That's Dahlan in a
16 smaller frame.

17 THE REPORTER: Who?

18 THE WITNESS: Muhammad Dahlan in a smaller
19 frame. But it's Dahlan for the third or fourth time.
20 It's still Dahlan. Small frame, big frame, it's Dahlan.

21 Q. BY MR. TOLCHIN: Just so you know, we need
22 to identify him -- the -- the speaker in each of
23 these clips, even if I might recognize it.

24 A. Oh.

25 Q. But what -- what I say doesn't count in court.

1 A. Am I doing double duty here to identify
2 people? And how is it related to -- related to what
3 I'm doing? But, in any event, I've done what I was
4 asked to do.

5 Q. Okay.

6 MR. McALEER: Bob, that was MEMRI Clip 1 dash
7 or Exhibit 1 dash what?

8 MR. TOLCHIN: Two seven. Okay.

9 MR. ROCHON: Does that conclude the clips?

10 Q. BY MR. TOLCHIN: No. Now we have Clip 38.
11 And this is MEMRI No. 2198. But it -- I don't
12 believe that this was a exhibit at the MEMRI
13 deposition.

14 No. That one does not actually have someone
15 on it. Okay. Now, all the clips I did up to now were
16 from the MEMRI clips. There were some other clips that
17 were from other sites such as YouTube and elsewhere.
18 And those don't have MEMRI designations. So these I'm
19 just going to call Clip 1 and Clip 2.

20 MR. ROCHON: How -- how many of these are
21 there so we can keep track of them, please?

22 MR. TOLCHIN: It goes up to 13. It's 1
23 through 13.

24 MR. ROCHON: And you're representing they've
25 all been produced?

1 MR. TOLCHIN: Yes. And I can -- I can't do it
2 right -- I probably could, but you wouldn't want to wait
3 for me to tabulate. But I can get you the links that --

4 MR. ROCHON: We -- we would like you to --
5 after the deposition to get us, again, I'm just saying
6 a link that identifies each one and where --

7 MR. TOLCHIN: No problem.

8 MR. ROCHON: -- it's from -- excuse me -- for
9 the Prime Minister.

10 MR. TOLCHIN: No problem.

11 This is -- this is Clip 1. And I know the
12 witness is going to think this is painfully obvious.

13 MR. McALEER: What is the source of all of
14 these clips?

15 MR. TOLCHIN: Just what I just said.

16 MR. McALEER: MEMRI?

17 MR. TOLCHIN: No, no. We're done with the
18 MEMRI.

19 MR. McALEER: Done with the MEMRI. So what's
20 the --

21 MR. TOLCHIN: Some of these are from media --
22 Palestine Media Watch. And some of these are just from
23 YouTube.

24 MR. ROCHON: Can we indicate for the record
25 this is a P -- Palestine Media Watch clip?

1 MR. TOLCHIN: Correct.

2 Q. BY MR. TOLCHIN: And who is this
3 individual?

4 A. (Viewing video clip.) That's Mahmoud Abbas.

5 Q. Okay. And I'm showing you now Clip 2.

6 MR. ROCHON: Also Palestine Media Watch.

7 THE WITNESS: (Viewing video clip.) That's
8 Abbas Zaki.

9 Q. BY MR. TOLCHIN: Abbas Zaki. Okay.

10 Clip 3 is also a Palestine Media Watch.

11 A. (Viewing video clip.) I don't know her.

12 Q. Just this is -- according to the recording,
13 this is Kifah Radaydeh.

14 (Brief comment in Arabic by Mr. Saadi.)

15 THE WITNESS: Aah. No, I don't -- I don't
16 know her.

17 Q. BY MR. TOLCHIN: Okay.

18 A. I don't know her.

19 Q. I thought that might be troubling you.

20 A. Pardon?

21 Q. I thought it might be troubling you who she
22 was.

23 A. No. I -- I just don't know her. I don't
24 recognize it.

25 Q. Okay. Clip 4, also a Palestine Media Watch.

1 MR. SAADI: Fifth time.

2 THE WITNESS: (Viewing video clip.) That's
3 Dahlan.

4 Q. BY MR. TOLCHIN: Is that Dahlan?

5 A. Yes.

6 Q. Okay. Clip 5, also Palestine Media Watch.

7 A. (Viewing video clip.) Dahlan again.

8 Q. Oh, remember I said there were a cup -- there
9 were two duplicates. I'm sorry about that. Clip 4 and
10 Clip 5 appear to be the same.

11 Clip 6.

12 MR. ROCHON: Also Media Watch.

13 THE WITNESS: (Viewing video clip.) That's
14 Ashraf Al-Ajrami.

15 MR. ROCHON: Also Media Watch.

16 THE WITNESS: (Viewing video clip.) That's
17 Mahmoud Abbas.

18 Q. BY MR. TOLCHIN: Clip 8. This might be a
19 duplicate also.

20 A. (Viewing video clip.) That's Dahlan.

21 Q. Clip 9.

22 A. (Viewing video clip.) I don't see a face
23 here. Can't recognize the profile. If you hold it
24 a bit longer maybe.

25 Q. There we go. You want me to go back?

1 A. Yeah. I -- can I -- well, I cannot tell you
2 really for sure. Aah, Imad Falugi. Imad Falugi wearing
3 glasses, dark glasses. I -- I know this man. I mean,
4 he grew a beard to different lengths. This is a time
5 when his beard was -- appears to be thick and wearing
6 glasses. But that's Imad Falugi.

7 Q. Okay.

8 MR. McALEER: Can you identify the sources for
9 Clips 8 and 9?

10 MS. DARSHAN-LEITNER: Palestine Media Watch.

11 Q. BY MR. TOLCHIN: They're both -- they're
12 both Palestine Media Watch. And Clip 10, also from
13 Palestine Media Watch.

14 A. (Viewing video clip.) That's Mazen Izz
15 Al-Din.

16 Q. Okay. And Clip 11.

17 A. (Viewing video clip.) That's Mahmoud Abbas.

18 Q. Twelve. This might be the second duplicate.

19 MR. HIBEY: They continue to be Palestine
20 Media Watch.

21 THE WITNESS: (Viewing video clip.) That's
22 Al-Ajrami being interviewed.

23 Q. BY MR. TOLCHIN: Okay. And Clip 13. This
24 one is very obvious.

25 A. That's Yasser Arafat.

1 Q. Okay. I'm done with the clips.

2 MR. HIBEY: Okay.

3 MR. TOLCHIN: Thank you. Let's take a break
4 right now, let me talk, and we'll wrap it up.

5 MR. HIBEY: Are you -- are you at -- where --
6 how much more time do you think you have?

7 MR. TOLCHIN: Like I said, not a lot. But I
8 do want to talk to my colleagues.

9 MR. ROCHON: Let's -- let's go off the
10 record --

11 MR. TOLCHIN: Off the record.

12 MR. ROCHON: -- and take a break.

13 MR. McALEER: Take a break.

14 THE VIDEOGRAPHER: Going off the record at
15 9:36.

16 (Recess from 9:36 p.m. to 9:51 p.m.)

17 THE VIDEOGRAPHER: Back on the record at 9:51.

18 Q. BY MR. TOLCHIN: Okay. Were you aware of
19 during the time you -- withdrawn.

20 Let me start with a -- a general statement.
21 Then I'm going to ask you a few questions about the time
22 you were at Arab Bank.

23 Were you aware, when you were at Arab Bank,
24 of any accounts maintained at Arab Bank by Hamas?

25 A. No. I was not aware.

1 Q. Okay. Were you aware of any accounts
2 maintained at Arab Bank by Marwan Barghouti?

3 A. No.

4 Q. And have you ever heard of something called
5 the Al-Islah Charitable Society Association?

6 A. Again, can you repeat the name?

7 Q. Al-Islah. It might be Islam Charitable
8 Society.

9 A. Islam?

10 MR. SAADI: Islah.

11 Q. BY MR. TOLCHIN: Islah. Islah.

12 A. Islah Charitable Society? The name sounds
13 generic enough to where that could be. But I -- I do
14 not remember anything specific about that.

15 Q. And were you aware of that organization
16 maintaining any accounts at Arab Bank?

17 A. No.

18 Q. Have you ever heard of something called the
19 Saudi Committee for Aid to the Al-Quds Intifada?

20 A. Saudi Committee for -- I don't recall Saudi
21 Committee. Maybe there was something like that. I'm --
22 I'm translating again from English to Arabic as to how
23 that might have sounded. But I do not remember anything
24 about the activities of that --

25 Q. Have you ever --

1 A. -- committee.

2 Q. I didn't mean to cut you off.

3 A. Yeah. Sorry.

4 Q. Have you ever heard anybody refer to the
5 Second Intifada as the Al-Quds Intifada?

6 A. Second Intifada as Al-Quds Intifada? Yeah,
7 it was -- it was -- that name was used to refer to the
8 Second Intifada.

9 Q. And during the time where you were -- that
10 you were at Arab Bank, were you aware of any accounts
11 at Arab Bank maintained by any Saudi Arabian charities?

12 A. No.

13 Q. Were you aware of any accounts maintained by
14 an organization called Islamic Jihad?

15 A. No.

16 Q. How about the Holy Land Foundation?

17 A. No.

18 Q. The Al-Aqsa Foundation?

19 A. No.

20 Q. And all of these questions obviously are
21 the same introduction, whether you were aware of any
22 accounts at Arab Bank for the organization.

23 A. I was not aware of any such accounts.

24 Q. Committee for Palestine Charity and Aid?

25 A. Committee for Palestine Charity? No.

1 Q. El-Hessan Society in Tulkarm?

2 A. El-Hessan -- Hessan -- can you say that again,
3 please?

4 Q. In English, they write it E-l, H-e-s-s-a-n.

5 A. El-Hessan. Again, that's -- it sounds generic
6 like a name with a meaning, so in that sense. But I do
7 not recall anything about the activities of such charity
8 or that it having had an account with the bank.

9 Q. Who is -- if you know, who is Muhammad Ahmad
10 Suleiman Zina?

11 A. Can you repeat the name? Ahmad --

12 Q. Muhammad Ahmad Suleiman Zina.

13 A. How do you spell the last name?

14 Q. Z-i-n-a.

15 A. Z --

16 Q. I-n-a.

17 A. Zina? No, that's not a familiar name to me.

18 Q. Okay. How about Muhammad Abd Al-Fatah
19 Ghawanmeh, G-h-a-w-a-n-m-e-h?

20 A. No.

21 Q. Okay. Since your -- since you became part
22 of the PA --

23 A. Yes.

24 Q. -- have you had any discussions with Israeli
25 officials regarding --

1 (Brief interruption in the proceedings.)

2 THE WITNESS: Excuse me. This distracts me.

3 MR. HIBEY: Sorry.

4 THE WITNESS: Yeah.

5 MR. TOLCHIN: Do you want me to wait a moment?

6 THE WITNESS: Yeah. Can we -- can we wait

7 a little bit?

8 MR. TOLCHIN: Sure.

9 THE WITNESS: If you want to --

10 MR. ROCHON: If we could have just one minute.

11 THE WITNESS: Yeah.

12 MR. ROCHON: Thank you.

13 THE WITNESS: It interrupts the question.

14 So I --

15 MR. HIBEY: I appreciate that.

16 THE WITNESS: Yeah, yeah. Sure.

17 MR. HIBEY: I'm sorry we interrupted.

18 (Brief discussion held off the record.)

19 MR. HIBEY: Thank you. Thank you for that.

20 THE WITNESS: No problem. Sure. I have this

21 problem.

22 MR. HIBEY: No, no.

23 Q. BY MR. TOLCHIN: Only one or two more

24 questions about Arab Bank.

25 Since you became --

1 A. Yes.

2 Q. -- part of the Palestinian government --

3 A. Yes.

4 Q. -- whether it was Finance Minister, as Prime
5 Minister, have you had any discussions or communications
6 with Israeli officials regarding Arab Bank?

7 A. Since I became official of the PA whether
8 I had discussions?

9 Well, I had discussions with the Israeli
10 officials on the banking system in Palestine generally,
11 not only the Arab Bank, in connection with various
12 operational problems that Palestinian banks have in
13 conducting business operations. And -- and this, you
14 know, continues to happen up until now, in connection
15 with moving bank notes to branches, especially to Gaza,
16 getting rid of extra funds, extra bank notes, and things
17 like that.

18 Q. Since -- since you became Finance Minister
19 or Prime Minister, have you had any discussions with
20 anyone about Arab Bank's facilitating transfers of money
21 to people who carried out acts of violence or their
22 families?

23 A. No. I've had -- I do not recall having had
24 discussions specifically on that. I -- no, I do not
25 believe I did other than as I mentioned to you in

1 connection with the problems that banks have from time
2 to time, including Arab Bank, in conducting business.

3 Q. Are you aware of any payments or transfers of
4 money made to the families of the perpetrators of the
5 attack on Mr. -- in which Mr. Saperstein was injured?

6 A. No. I'm not aware.

7 Q. Okay. Are you familiar with a location called
8 Bi'lin?

9 (Brief court reporter clarification.)

10 Q. BY MR. TOLCHIN: B-i-'-l-i-n.

11 A. Yeah. I -- I know the place. It's a little
12 village near Ramallah.

13 Q. And how do you pronounce it?

14 A. Bi'lin.

15 Q. Bi'lin. Okay.

16 Did you personally visit Bi'lin?

17 A. Yes.

18 Q. How many times?

19 A. Several times.

20 Q. Did you ever attend a demonstration --

21 A. Yes.

22 Q. -- or rally at that location?

23 A. Yes.

24 Q. How many times?

25 A. Several times.

1 Q. As recently as last month?

2 A. As recently as last month.

3 Q. At that gathering, did members of the crowd
4 destroy a fence and throw stones at Israelis?

5 A. Yes. I understand that happened at the end
6 of the demonstration. I, by that time, was gone. But
7 I saw footage of that.

8 Q. And did you do anything after you saw that
9 footage?

10 A. No, I didn't. This is part of a weekly
11 demonstration that takes place in -- in that area,
12 has been for the last five years.

13 Q. Were you interviewed in the media in
14 connection with that visit to Bi'lin --

15 A. No, I -- yeah, I was.

16 Q. -- and the demonstration there?

17 A. I was interviewed. And I also gave a speech.

18 Q. Did you tell -- were you interviewed by the
19 Associated Press?

20 A. I believe I was.

21 Q. Did you tell the Associated Press, in words or
22 substance, that: "This is huge. This is great. As a
23 matter of fact, it should be encouraged."

24 A. I would want to be clear on what "it" here
25 means.

1 Q. Okay.

2 A. "It" being nonviolent expression of rejection
3 of the occupation and the settlement enterprise and the
4 erection of the wall in our own territory, with emphasis
5 on "nonviolent." And in that sense, I said it.

6 Q. Was destroying a fence and throwing stones at
7 Israelis nonviolent?

8 A. No. It was -- this -- this happened at the
9 beginning of the demonstration. I gave a speech. I
10 gave an interview. And the -- this happened in the
11 earlier part of the day, shortly after the Friday
12 prayer. The whole event took about a couple of hours.

13 But the demonstration, as it normally does,
14 lasted through most of that afternoon. And toward the
15 very end, that -- that -- part of that fence was -- was
16 torn. And I saw footage of that.

17 And in connection with the question that you
18 asked me about what it is that I did about that, I mean,
19 I should make it clear that the village does not fall
20 under the security purview of the Palestinian Authority.
21 We do not have any security presence there. We cannot
22 have operations there in -- in a security sense.

23 But I -- as I made it clear then and I will
24 repeat it to you now, this is a nonviolent, totally
25 peaceful expression of rejection of the occupation

1 or settlement activity in our own territory. And it's
2 something that I express support for. And that's what
3 I was there for, joining our people in commemorating the
4 fifth -- five years of -- of this brand of saying no to
5 the occupation, completely peaceful, with participation
6 by activists from all over the world, including Israel.

7 Q. Did you take any steps to find out who the
8 individuals were who destroyed the fence and threw the
9 stones?

10 A. No. I -- as I said to you, in terms of the
11 activity that actually took place there and what goes
12 on today as we speak, for example, is not something
13 that falls within the security purview of Palestinian
14 Authority under the agreement that we have with the
15 Israelis.

16 Q. So the answer is no, you did not?

17 A. No, the answer is not. You know, I -- I
18 didn't.

19 Q. Did you take part in a rally or a
20 demonstration in January of this year, 2010, in which
21 products manufactured in Jewish communities in the
22 West Bank were burned?

23 A. I took part in an event in which products
24 produced in Israeli settlements, in our land, were
25 produced.

1 Q. Okay. And is there a difference between
2 Jewish communities and Israeli settlements?

3 A. There is a difference.

4 Q. What's the difference?

5 A. Settlements -- the term "settlement" refers
6 to an area where Israeli citizens have moved to live in
7 and those areas happen to be all located in Palestinian
8 territory that was occupied in 1967. Those, under
9 international law, are illegal.

10 Goods produced therein are, therefore,
11 illegal to trade in. This is the essence of the
12 judgment that was passed, advisory opinion that was
13 issued by the International Court Lahai, 2004, which
14 affirms all of the settlement activity, economic
15 activity in settlements, investment in settlements
16 are illegal under international law.

17 And it is even the responsibility of third
18 parties who may be involved in such activity to be
19 considered accountable under international law. We
20 Palestinians happen to be the people most adversely
21 affected by settlement activity. And consistent
22 with international law, we believe that activity is
23 illegal and -- and goods produced there and traded on
24 our market are contraband goods and are participating
25 in that activity in the same way that contraband goods

1 are dealt with. They are disposed of in a manner that
2 guarantees that they are not traded or peddled again
3 to market.

4 Q. Now, you said that a settlement is when
5 Israelis citizen -- when Israeli citizens come to
6 live in the West Bank; correct?

7 A. Yes. And West Bank is territory that was
8 occupied by Israel in 1967.

9 Q. But isn't it a fact that what you mean is
10 Jewish-Israeli citizens?

11 A. I am very clear on what I said, Israeli
12 citizens.

13 Q. Yes. If an Israeli Arab comes to live in
14 Ramallah, is that a settlement activity?

15 A. The issue for me is political. It's not
16 religious. And that's why I was deliberate in saying
17 "Israeli." I have no -- the conflict is not religious.
18 It's not really -- to me it's not a conflict --

19 Q. So you are --

20 A. -- based on religion. This is political.

21 Q. Are you opposed to Arab citizens of Israel
22 living in the West Bank?

23 A. I am opposed -- I am opposed to, as
24 international -- international law provides, any action
25 by the occupying power, which is the State of Israel,

1 that alters the status quo in the territories occupied.
2 These are obligations that the Community of Nations has
3 accepted under various treaties, treaties that bind
4 countries that are not even party to those treaties or
5 countries that were not even in existence at the time
6 those treaties were -- were formalized.

7 So yes, they are illegal. And to me, they are
8 illegal. And the issue, I assure you, is not religious
9 at all. And I cannot accept the premise of it. And
10 to -- to refer to my rejection of that on -- on -- on
11 religious grounds is something that I find completely
12 unacceptable.

13 Q. Isn't it true, though, that at the rally
14 the only products that were burned were products
15 manufactured by Jews who live in the West Bank?

16 A. The products manufactured in Israeli
17 settlements in the West Bank. Again, our land, the land
18 where that State of Palestine is going to emerge, apart
19 from that activity being illegal, it also prejudices
20 our capacity to establish our state in a manner that
21 is completely consistent with the political framework
22 that governs our relationship with the international
23 community, including the State of Israel.

24 So, again, I really reject -- and you'll have
25 to forgive me on this. I utterly and most unequivocally

1 reject any relationship between what we do by way of
2 rejecting and -- and -- the -- the occupation and the
3 settlement enterprise on religious basis. I reject that
4 utterly. This is completely political to me. It has
5 nothing to do with religion, none whatsoever.

6 Q. But if a -- let's say, a 35-year-old Jewish
7 man, who actually was born and lived his entire life in
8 the West Bank, has a winery and makes wine, you would
9 advocate burning or destroying or boycotting that wine;
10 is that correct?

11 A. Again, I have to take exception to the
12 characterization of our actions, attitudes, policies,
13 to have any relation whatsoever with religion. I --
14 I -- I feel very strongly about this. You'll have to
15 forgive me. And I -- and I urge that you please stop
16 questioning me on all those lines. I simply reject it.
17 The issue to me is not -- not religious. It has nothing
18 to do with the religion.

19 Q. Okay. So the --

20 A. It's a matter of faith. And I accept that
21 and I respect that and I honor it. The issue is
22 political to us.

23 Q. Okay. So if a Muslim couple came from --
24 let's say, from Iraq and entered the West Bank illegally
25 without a Jordanian visa, say in 1966, before the

1 occupation, and they were there illegally and they
2 had a child and the child grew up in the West Bank
3 and opened a olive press, making olive oil, would you
4 advocate destroying and boycotting that olive oil
5 because he was there illegally --

6 A. I have to answer --

7 Q. -- or his parents came illegally?

8 A. I really hate to answer a question with a
9 question. But the issue is simply the following.

10 I mean, suppose you were to -- you are in
11 charge of an economy, a territory, a country, and your
12 agency in charge of monitoring economic activity, traded
13 goods, and -- and -- or what have you were to find on
14 the market goods that are smuggled into your economy.
15 What do you do? I mean, I know what happens, I mean,
16 given my profession. Those goods are confiscated. And
17 they are disposed of in a manner that ensures that they
18 are not circulated again for trading. This happens
19 everywhere in the world.

20 Now, these goods are referred to technically
21 as contraband goods. They are there illegally. Goods
22 emanating from settlement -- settlements -- Israeli
23 settlements in our territory are to us illegal.

24 Now, Iraq is not occupying the West Bank.
25 Jordan is not occupying the West Bank and Gaza for that

1 matter. Israel is. Israel, as the occupying power, has
2 obligations under international law -- has obligations
3 under international law. Let me repeat.

4 (Brief interruption in the proceedings.)

5 THE WITNESS: You know, I -- I hope that
6 the distractions can stop. I just want to really
7 make sure --

8 Q. BY MR. TOLCHIN: I'm listening to every
9 word.

10 A. Yeah. I want to make sure that I'm clearly
11 understood on this issue. So let me -- let me repeat.

12 The issue relates to us considering wholly
13 unacceptable, on grounds of them being illegal,
14 settlements -- settlements in the territories that
15 were occupied by Israel in 1967. Goods produced in
16 those settlements are therefore -- are, therefore,
17 illegal.

18 The issue is one that is related to the
19 manner in which goods produced in Israeli settlements
20 are treated internationally. For example, the agreement
21 that Israel has with, say, the EU -- you know, the trade
22 agreement that they have provides preferential treatment
23 to Israeli goods in terms of taxation, but explicitly
24 excludes from that preferential treatment goods produced
25 in settlements -- Israeli settlements in the West Bank.

1 Why? Because they are regarded as illegal.

2 Some countries actually ban, to the extent
3 they can identify those goods, having them traded in
4 their own economies. So that -- that's really the basis
5 for this. It's not the question of a -- a couple moving
6 here or residing there. It -- it goes to the heart of
7 the responsibility of the occupying power, which is
8 Israel, under international law. That particular
9 activity related to moving citizens of the occupying
10 power to the occupied territory is illegal under
11 international law.

12 It contravenes the Geneva Accords --
13 Convention, as is, of course, the removal or
14 displacement of indigenous population. And where
15 those settlements are built are areas that are --
16 represent economic space for our own people. And
17 our own people are deprived of the resources on
18 which those settlements are built.

19 These are the practical considerations
20 in addition to the legal considerations that make
21 settlement activity, with all of its aspects, economic
22 and otherwise, to be illegal under international law.
23 But again -- again, I insist the issue has nothing to
24 do with religion. I -- I honor faith of different
25 people, and I respect that.

1 Q. Who is -- who is or was Fayez Faraj?

2 A. Fayez?

3 Q. Faraj.

4 A. Fayez Faraj? Fayez Faraj?

5 Aah, this is a -- this is a -- is a citizen
6 from Hebron, I believe a 41-year-old who was killed by
7 the Israeli Army in Hebron about three weeks ago.

8 Q. Uh-huh. And do you know why this person was
9 killed by the Israeli Army three weeks ago?

10 A. Initially, the report was that he was shot by
11 the Israeli Army because he was attempting to stab an
12 Israeli soldier. An investigation by the Israeli Army
13 of the incident suggested otherwise.

14 Q. Okay.

15 A. I knew it based on reporting from the scene.

16 I was, on that day, in another part of the
17 country, sharing with our people the joy of inaugurating
18 project number 1,000 in the Kalkiliya area in the north.
19 And I learned about the incident. And I, based on
20 eyewitnesses, knew what had happened. And I went all
21 the way down to Hebron to see his family. He's the
22 father of 11, and his wife was expecting their 12th
23 child.

24 Q. Okay.

25 A. And that -- on that incident, far from the way

1 in which it was narrated before, was that -- the story
2 was that he was lunging forward with a knife toward the
3 troops -- it was a case of him having been hit and was
4 leaning against the wall and then hit multiple times.
5 Regrettable and sad.

6 MR. TOLCHIN: We need to change the tape.

7 THE VIDEOGRAPHER: Going off the record at
8 10:17.

9 (Recess from 10:17 p.m. to 10:18 p.m.)

10 THE VIDEOGRAPHER: Going back on the record
11 at 10:18.

12 Q. BY MR. TOLCHIN: Would you use the term
13 "crime against humanity" to describe suicide
14 bombings?

15 A. It's an activity that I definitely do not
16 approve of. I utterly reject on moral grounds even.
17 And definitely it's -- it's a crime.

18 Q. Okay. Have you ever heard of somebody --
19 a Palestinian who sold land to Jews being murdered for
20 having done so?

21 A. No, I don't.

22 Q. You've never heard of that?

23 A. No, I heard of it. But I do not know. I
24 thought you asked me if I knew somebody who was killed.

25 Q. Oh, no. I'm asking generally, are you

1 familiar with the phenomenon?

2 A. Yes. Yeah.

3 Q. Are -- are you aware that a -- that actually
4 a large number of Palestinians who have sold land to
5 Jews were -- were subsequently killed?

6 A. I -- I cannot say it's a large number. I
7 heard of incidents of that and very few, if -- if any.
8 Actually, it's not a large number.

9 Q. Are you aware of any investigation into any
10 of these incidents being carried out?

11 A. I'm not aware of investigations underway.
12 But at the time there probably was. I'm not aware
13 of a single incident of that kind in recent period.

14 MR. TOLCHIN: Okay. I think I have no more
15 questions.

16 MR. ROCHON: Okay. We'll just proceed right
17 away.

18

19 EXAMINATION

20 BY MR. ROCHON:

21 Q. Mr. Prime Minister, let me start with the last
22 question that you were asked.

23 Have there been any -- been any incidents such
24 as that described by Mr. Tolchin while you've been Prime
25 Minister that have not been investigated?

1 A. No.

2 MR. TOLCHIN: So let's say objection as to
3 form. That's a compound question.

4 Q. BY MR. ROCHON: I'll try to correct the
5 form to address --

6 A. Yeah.

7 Q. -- his objection.

8 Mr. Prime Minister, have there been any such
9 incidents of killing of Palestinians for selling land
10 to Jews, as -- and to use his words, while you have been
11 Prime Minister?

12 A. No.

13 Q. If there were any such incidents, would you
14 have them investigated if they occurred within the
15 area where the Palestinian Authority is allowed to
16 investigate?

17 A. Most --

18 MR. TOLCHIN: Objection.

19 THE WITNESS: -- definitely.

20 MR. TOLCHIN: That's speculative.

21 (Brief court reporter clarification.)

22 THE WITNESS: My answer -- my answer is most
23 definitely.

24 Q. BY MR. ROCHON: Most definitely?

25 A. We would investigate.

1 Q. Thank you.

2 He asked you some questions about the

3 Bi'lin --

4 A. Yes.

5 Q. -- demonstrations?

6 And you mentioned the wall and the security
7 control issues there?

8 A. Yes.

9 Q. Just because this deposition may be used in a
10 U.S. court where people have a little less familiarity
11 with the --

12 A. Yes.

13 Q. -- wall -- and I understand we could talk for
14 a long time. But could you describe what this wall is
15 and how it affects that community?

16 MR. TOLCHIN: Objection to the form of the
17 question.

18 MR. ROCHON: What's the basis for the
19 objection? What form --

20 MR. TOLCHIN: You have commentary in the
21 question. If you're going to ask him a direct question,
22 ask him.

23 Q. BY MR. ROCHON: You can answer the
24 question, Mr. Prime Minister.

25 A. The wall is referred to in different ways. We

1 call it separation wall. The Israelis call it a fence,
2 security fence. It's about 700 kilometers in length,
3 not complete yet. A good part of it is complete. In
4 some areas, particularly in the north, portions of the
5 wall are in -- are on what we call the Green Line or
6 the boundary between the West Bank and Israel. But in
7 many areas, the wall is well within the West Bank. The
8 city or the village of Bi'lin is one such community that
9 lost a lot of farmland because of the wall, because the
10 path of the wall was planned well into the farmland of
11 the village of Bi'lin.

12 A little over five years ago, the citizens of
13 Bi'lin started to demonstrate against Israel's attempt
14 to erect and build that wall. On a weekly basis, every
15 Friday, they would do that in what became a tradition.
16 And because of the nonviolent, completely peaceful
17 nature of the demonstrations, that attracted a lot --
18 the attention of a lot of people from all over the
19 world, including Israel. Every Friday since it started,
20 activists come from all over, including Israel, to
21 join in solidarity with the people of Bi'lin in
22 rejecting the erection of the wall on their farmland
23 with some success.

24 They have, by themselves, actually petitioned
25 Israeli legal system. And they won a ruling from the

1 High Court in Israel that led to altering the path of
2 the wall partially. But that is yet to be implemented.
3 So the protestation, you know, continues.

4 There were similar movements in many other
5 communities in the West Bank which, like Bi'lin, lost
6 or stand to lose farmland because of the path of the
7 wall with a clearly substantial adverse impact on their
8 livelihood, some -- sometimes separating people.

9 There are communities like that throughout
10 the West Bank, including in the area of Bethlehem, for
11 example, certainly Jerusalem. In the area of Salfeet,
12 for example, the -- the wall gets way into the West
13 Bank, tens of kilometers in the West Bank.

14 That's really our main objection to the wall.
15 The Israelis decide that they need the wall to separate.
16 We don't agree. But if they choose to have one, why
17 can't it be built on the boundary between the West Bank
18 and Israel?

19 The issue for us -- for the citizens of
20 Bi'lin, for us Palestinians is where that wall is built.
21 It is built in many areas of the West Bank well into
22 our areas where our state is going to have to emerge if
23 there's going to be lasting and just peace and security,
24 not only for us, but Israelis in the region as well.

25 Q. You mentioned that the demonstrations in

1 Bi'lin have been going on for five years?

2 A. Yes.

3 Q. And he asked you about one incident where
4 there was some destruction.

5 Do I understand, then, there must have been
6 250 or more demonstrations on every Friday over the last
7 five years?

8 A. Yeah. I mean, a substantial number of
9 demonstrations in many locations. And, by the way, I
10 notice in -- in connection with this that, in recent
11 period, the Israeli Army has been pursuing heavy handed
12 tactics in -- in dealing with those demonstrations. And
13 as a matter of fact, there were some people killed in
14 connection with those peaceful demonstrations, some
15 foreigners seriously injured.

16 As a matter of fact, last Friday a 14-year-old
17 child -- his name is Ihab Fadel Al-Tamimi -- he's, as we
18 speak, fighting for his life in a hospital in Ramallah.
19 I visited with him, his family. He's in a coma. He
20 was hit with a rubber bullet that went through his
21 skull. And he's still in a coma. He's a child. Fired
22 by Israeli Army, completely peaceful demonstrations.

23 Israeli High Court, as a matter of fact,
24 Chief Justice found that the tactics used by the
25 Israeli authorities in dealing with those peaceful

1 demonstrations to be heavy handed and not justified.

2 We definitely concur in that.

3 Q. Despite the violence that has occurred that
4 you've described, do you still espouse that these
5 demonstrations related to the wall be peaceful?

6 A. We -- we insist that they be peaceful. We --
7 we completely subscribe to a program of nonviolence.
8 We are clear on this.

9 Every visit I have in connection with
10 something that may appear to be telling of a prospect
11 of deterioration in the security conditions, I always
12 make sure that I, in my message to people wherever I go,
13 to insist that the message of nonviolence be adhered to
14 and nonviolence be adhered to and peaceful rejection of
15 the occupation and its practices in settlement activity
16 would remain strictly peaceful and nonviolent. It's --
17 it's very important. And I'm on record having done so
18 on every occasion for sure.

19 Q. And if there are instances of -- of violence
20 that do occur by Palestinians against Israeli forces,
21 how do you react to those?

22 MR. TOLCHIN: Objection.

23 THE WITNESS: Well --

24 MR. TOLCHIN: Time frame. When are you
25 talking about?

1 Q. BY MR. ROCHON: You can answer the
2 question.

3 A. I can tell you what I have done. Not long
4 ago there was a -- I -- I'll give you some example.
5 But not -- not long ago, maybe a month and a half ago
6 probably, there was a stabbing of an Israeli soldier who
7 died as a -- as a result of the stabbing in the north,
8 not very far from Nablus -- to the south of -- of --
9 of Nablus. I immediately condemned that in an official
10 statement which was noted by everyone in Arabic, not
11 translated into other languages, but in Arabic.

12 And I stand by that condemnation, which I
13 made clear -- I mean I made -- I made sure it included
14 my condemnation on the basis of the action being
15 totally unacceptable and also inconsistent with
16 commitments we had entered into and all of that risk.
17 And that statement is -- it was condemnation without
18 any qualification whatsoever. It was very clear. I'm
19 very clear, you know, on this message of nonviolence.
20 We -- we utterly reject it.

21 Early on in my tenure as Prime Minister, there
22 was -- there was an incident in which two Israelis were
23 killed in the Hebron area. And we pursued the matter.
24 It's not only a matter of condemnation. By the way, the
25 individual who stabbed the Israeli soldier to death is

1 in Israeli jail. The Israelis captured them.

2 But an incident that happened nearly two years
3 earlier, a few months into my term as Prime Minister,
4 two Israeli citizens were killed in the Hebron area.
5 We captured the killers. We put them to trial. And
6 they're serving a life sentence in a jail in Hebron
7 today. So we take this very seriously. It's policy.
8 Everybody knows it's policy.

9 Q. I want to now turn from that topic to the
10 topic that was the main focus for your deposition today,
11 which was the questions about the funding of Fatah.
12 And we'd like to show you -- I can either do this as
13 a series of exhibits or one large exhibit.

14 MR. TOLCHIN: What is it?

15 MR. ROCHON: It's documents that were -- that
16 the Prime Minister looked at. And you -- you asked him
17 what he looked at. I'm going to show him some documents
18 and ask him whether these are the documents he looked at
19 in preparing for his deposition. Your choice.

20 MR. TOLCHIN: Let me see what they are.

21 MR. ROCHON: They're all documents, for the
22 record, that have been produced in response to the --

23 MR. TOLCHIN: I'll tell you -- I'll tell you
24 what I'm -- what I'm going to say, and I'll tell you how
25 you can work around it.

1 If you show them to him and say, these are
2 the ones that you reviewed, aren't they, that's kind of
3 leading your own witness. If you ask him first what he
4 reviewed and see what he independently recalls and then
5 you want to show them to him, then I won't object to
6 that.

7 MR. ROCHON: Well, I'll try it that way. I'm
8 not sure I would agree. But if it eases -- takes away
9 one objection, that's a good thing.

10 Q. BY MR. ROCHON: Mr. Prime Minister, you
11 said you looked at documents?

12 A. Yes.

13 Q. And did you get the documents from counsel,
14 from us?

15 A. Yes.

16 Q. Okay. The -- and -- and how many documents
17 were there that you looked at?

18 A. Three, four documents.

19 Q. Okay. And you said they included some things
20 that you referred to as the testimony --

21 A. Yes.

22 Q. -- of people?

23 A. Yes.

24 Q. And if you could be more specific, when you
25 say the testimony of --

1 A. Yes.

2 Q. -- people, what -- because that -- we use that
3 term sometimes differently in --

4 A. Yeah. I'm not using it in a technical
5 sense -- technical sense necessarily. But, you know,
6 statements made by individual --

7 Q. Writ -- written?

8 A. Signed. Written statements and signed
9 statements.

10 Q. Okay.

11 A. Declarations, if you will.

12 Q. Okay. And was one of those -- from whom were
13 the declar -- whose declarations did you look at?

14 A. Nashashibi.

15 Q. Yes.

16 A. A auditor of the PNF, a statement by Mazen
17 Jadallah, Ramzi Khoury from PNF.

18 Q. Okay. What I'd like to do now is show you --
19 and you said you talked to some people as well?

20 A. Yes.

21 Q. And who did you talk to?

22 A. Ramzi Khoury, Nashashibi, and Mazen Jadallah.

23 Q. Okay. I'm going to ask you: Did you also
24 look at an excerpt from the answers that were given by
25 the PLO and the PA to the questions that the plaintiffs

1 have -- had asked about these transfers?

2 A. Yes.

3 Q. All right.

4 A. And that was the basis of my testimony today.

5 Q. Okay. And did you look at financial records
6 that reflected transfers of funds to Fatah?

7 A. Yes.

8 Q. And did you look at a summary of what those
9 records said?

10 A. I did.

11 MR. ROCHON: All right. Now I'm going to
12 ask the witness -- I'm not going to show him the entire
13 package. I don't know if you still object, but I can
14 do it as one package now.

15 MR. TOLCHIN: Go ahead.

16 MR. ROCHON: Thank you. It would make it
17 easier on our court reporter eventually.

18 Q. BY MR. ROCHON: I'm going to hand you this
19 package --

20 A. Yeah.

21 Q. -- please. And if you could leaf through that
22 and see if those are consistent with the documents that
23 you looked at.

24 A. (Examining.) Yeah. Okay. Yes. Okay.

25 Q. And -- and are those the documents that you

1 looked at?

2 A. Yes.

3 MR. ROCHON: I'm going to ask that the package
4 of documents be marked as Defense Exhibit 1 for purposes
5 of this deposition. Is that -- or would you --

6 MR. McALEER: Just run it consecutively.

7 MR. ROCHON: Okay. Five?

8 MR. McALEER: Five.

9 MR. ROCHON: Let's -- we marked it 5. And
10 we'll let the court reporter put a sticker on the first
11 of those.

12 MR. TOLCHIN: Do you have a binder clip or
13 a rubberband or something? Chas --

14 THE WITNESS: Yeah, here. Here there is.
15 Yeah.

16 MR. ROCHON: Here's a binder clip.

17 THE WITNESS: Yeah.

18 MR. ROCHON: Thank you, Mr. Prime Minister.

19 THE WITNESS: No problem.

20 MR. ROCHON: I'm going to eventually have you
21 take them apart and go through them in detail. So --

22 MR. TOLCHIN: Before you give it to the court
23 reporter --

24 MR. ROCHON: Right.

25 MR. McALEER: Madam Court Reporter, do you --

1 your exhibit labels reference "plaintiffs' exhibit"?

2 MR. TOLCHIN: No. She just has the number.

3 THE REPORTER: I have these two, or I have
4 plain ones also. (Indicating.)

5 MR. McALEER: Okay.

6 MR. ROCHON: The blue is fine.

7 (S. Fayyad Exhibit 5 marked.)

8 Q. BY MR. ROCHON: So Mr. Prime Minister,
9 that first document there that's on top of the stack
10 and -- and the one that actually has Exhibit 5, if
11 you could look at the top, it says "As to Defendant
12 PLO" and then it says "As to Defendant PA."

13 Did you review that document to prepare for
14 your testimony?

15 A. (Examining.) Yes.

16 Q. And did that assist you in preparing for your
17 testimony?

18 A. It did. Yeah.

19 Q. If -- if you could review the -- the language
20 in there so that I could ask you a question. And I'm
21 referring now to the answer as to the PLO.

22 A. PLO. (Examining.)

23 Q. Have you had a chance --

24 A. Yes.

25 Q. -- to look at that?

1 A. Yes.

2 Q. And -- and then as to PLO transfers to Fatah,
3 the document says that during the period October 1,
4 2000, until and including February 18, 2002, that
5 there were not such transfers in excess of U.S. 250 --
6 \$250.

7 A. That's what it says.

8 Q. In your testimony when Mr. Tolchin was
9 asking you questions, you indicated that there had
10 been transfers from the PLO to Fatah.

11 Could you explain that?

12 A. Yeah. Yeah. In the sense that it is
13 described here, nothing in excess of \$250 that is
14 not ordinary expense.

15 Q. Okay.

16 A. That's -- that's what it is in -- in here.

17 Q. And then when you -- you were not asked about
18 transfers by the PA in the questions from Mr. Tolchin.
19 I'll get to them in a second.

20 But when you said there were transfers from
21 the PLO to Fatah, what kind of transfers were you
22 thinking of?

23 A. Transfers in the nature of what's mentioned
24 here, not -- not significant amounts and, according to
25 the testimony here and supporting documents, 250 -- not

1 exceeding \$250.

2 Q. Okay. Did you assume, therefore, that there
3 had been transfers of less than \$250 in your testimony?

4 A. Yeah. Less than \$250, yeah.

5 Q. Okay.

6 A. Yeah.

7 Q. Then if you could review the answer as to
8 the PA. And --

9 A. Yes.

10 Q. -- I'll -- I'll only ask you to review the
11 first two paragraphs. And then I'll move to the next
12 documents.

13 A. (Examining.) Yeah.

14 Q. Okay. And you eventually said you spoke to
15 someone named Mazen Jadallah?

16 A. Yes.

17 Q. What is Mr. Jadallah's position in the
18 Palestinian Authority?

19 A. He is head of external department, Minister
20 of Finance.

21 Q. And you also said you spoke to Mr. Karadsheh
22 and Mr. Khoury; correct?

23 A. Mr. Nashashibi and Mr. Khoury.

24 Q. I'm sorry.

25 A. Yeah.

1 Q. And now I'm going to --

2 A. Yeah. There is --

3 Q. -- take you actually to this next document.

4 A. Yeah. Right.

5 Q. There's a declaration there that is indicated
6 to be of Mohammad --

7 A. Zuhdi Nashashibi.

8 Q. Yes. And did you review that declaration?

9 A. Yes, I have.

10 Q. When you spoke to Mr. Nashashibi --

11 A. Yes.

12 Q. -- did you talk to him about it?

13 A. Yes, I did.

14 Q. And did you explore with him whether or
15 not the procedures and practices that he went through
16 that are reflected in that declaration were, in fact,
17 accurate?

18 A. That actually is the reason why I spoke to
19 these gentlemen, to ensure that the methodology used
20 and the procedures they followed were thorough because,
21 you know, my testimony was going to be based on -- on --
22 on their own statements.

23 Q. Okay.

24 A. And I was satisfied that that's what they did.

25 Q. And did you know Mr. Nashashibi previously?

1 A. Yes, I did.

2 Q. What positions has Mr. Nashashibi held?

3 A. He was the first Minister of Finance of
4 Palestinian Authority.

5 Q. Okay. And did he have positions also in
6 the --

7 A. Oh, yeah.

8 Q. -- in the PLO?

9 A. Yeah. Yeah, yeah. He was also a member of
10 the PLO Executive Committee and assigned the portfolio
11 of chairman of the Palestine National Fund.

12 (Brief court reporter clarification.)

13 THE WITNESS: Palestine -- oh, chairman of the
14 board of the Palestine National Fund, PNF.

15 Q. BY MR. ROCHON: And did you -- and then
16 you said after that that there was another position
17 he held with the PLO.

18 Chairman of the PNF?

19 A. Yeah. Member of the PLO Executive Committee.

20 Q. Okay.

21 A. Which he still is today. Yeah. Yeah.

22 Q. Given those positions, did you consider him
23 to be somewhat knowledgeable about PNF finances?

24 A. Most definitely. I mean, his -- his
25 involvement even predated the creation of the

1 Palestinian Authority.

2 Q. Okay.

3 A. Yes. And he was the Minister of Finance for
4 many years, since the inception through 2002.

5 Q. All right. Now you said you also spoke to
6 Ramzi Khoury?

7 A. Yes.

8 Q. Could you just let the record reflect who that
9 is?

10 A. Yeah. He is the general manager, CEO, if you
11 will, of the Palestine National Fund.

12 Q. And did you speak to him as part of your due
13 diligence --

14 A. Yes.

15 Q. -- for this testimony?

16 A. Yes.

17 Q. And did Mr. Khoury provide any verification
18 for the procedures that were used for the answers that
19 are given?

20 A. Indeed he did. And that's really -- again,
21 you know, what I was really interested in is to ensure
22 that proper procedure was followed and thorough enough
23 to enable me to rely and -- and feel comfortable relying
24 on -- on -- on what I have before me.

25 Q. All right. There were also -- and I'm going

1 to turn to the -- this next declaration that's in this
2 file is by someone named Mr. Karadsheh?

3 A. Yes.

4 Q. Now, you did not speak to him?

5 A. No, I did not. I did not.

6 Q. But his affidavit reflects, I believe, that
7 he was the auditor --

8 A. Correct.

9 Q. -- for the Palestine National Fund?

10 A. That's correct.

11 Q. And you reviewed his declaration?

12 A. I have.

13 Q. And when you spoke to Mr. Karadsheh -- excuse
14 me -- Mr. Nashashibi and Mr. Khoury, did you speak to
15 them about the work that had been done by Mr. Karadsheh?

16 A. I did.

17 Q. And were you satisfied, from the conversations
18 with Mr. Khoury and Mr. Nashashibi, that their use of
19 that external auditor to provide the information was
20 an adequate way for them to go about their duties to
21 provide this information?

22 A. Yes, I did.

23 Q. Now, you reference at some point a declaration
24 of Mr. Jadallah?

25 A. Yeah.

1 Q. And when you said that, what -- what were you
2 thinking of?

3 A. A signed statement.

4 Q. Okay. Are you thinking of this document?

5 MR. TOLCHIN: Objection. Leading.

6 THE WITNESS: Yeah, yeah. Yeah. That's what
7 it is.

8 MR. TOLCHIN: What is it?

9 MR. ROCHON: It's the interrogatory answer.

10 THE WITNESS: Yeah. I just referred to it.
11 I said I do not really mean it in a technically correct
12 way. I do not know what you describe it as in a -- in
13 a technical sense. But it was a declaration.

14 Q. BY MR. ROCHON: Okay.

15 A. Like an affidavit. But maybe you do not call
16 it an affidavit. But I --

17 Q. And -- and for the record, the document that
18 I showed the Prime Minister when I said "this document"
19 was my copy of --

20 A. Yeah.

21 Q. -- the top document that is in Defendants'
22 Exhibit 5.

23 And you also spoke to Mr. Jadallah?

24 A. Yes.

25 Q. How long have you known him?

1 A. Oh, several years. He's been in this position
2 for many years, and he's reliable.

3 Q. And he's in the Finance Ministry?

4 A. Yes, he is.

5 Q. When you were Finance Minister, did he report
6 to you?

7 A. Oh, yeah. And he still does today.

8 Q. Okay. And did you discuss with him how he
9 went --

10 A. I -- I am still the Finance Minister. Khoury
11 reports to me. Yeah.

12 Q. Right. You are his boss?

13 A. Well, everybody is my boss.

14 Q. Everybody is your boss or you're --

15 A. Yes. Yeah.

16 Q. So --

17 A. Yeah.

18 Q. So he reports to you even today?

19 A. Yes, he does.

20 Q. All right. And I'm not going to go through
21 the detail on these documents that are -- that are
22 included in the rest of that exhibit.

23 But do they reflect the transfers of the PA
24 to Fatah during the period that was provided for in
25 the --

1 A. Correct. That period, yes.

2 Q. And did Mr. Jadallah verify to you or at least
3 to your satisfaction that the process that he had used
4 to go through that process was adequate?

5 A. Yes.

6 Q. There have been several times where we've had
7 names in this matter where we --

8 A. Yes.

9 Q. -- had talked about English and Arabic.

10 And, again, this matter's being tried in the
11 United States where many people think that there's just
12 a letter-for-letter ability to translate Arabic into
13 English or English into Arabic.

14 And I hate to impose on you like this. But
15 could you explain how it is that Arabic words end up
16 with so many different spellings in English?

17 A. Yeah. I don't know what it is like in other
18 languages to be honest with you. But Arabic and English
19 do not have the same origin as languages. And, you
20 know, it's not out of the question, therefore, that
21 there will be difficulties like this.

22 But as you could tell, in the course of
23 testimony, I would ask to -- you know, how something
24 is spelled in English, try to look at it and -- and
25 to see what it might sound like in Arabic and to try

1 to figure out if someone is known to me or -- or not.

2 It's like that. It's not uncommon.

3 Q. Okay.

4 A. But, you know, sometimes when names are
5 repeated enough, you know, it's -- we meet foreigners
6 every day. And it's -- people ask, you know: How
7 is that spelled? What does it sound like? And,
8 oftentimes, the reaction is: Well, it's close enough,
9 close enough. Sounds close enough. So --

10 Q. Thank you.

11 I'm going to impose on you once more with --

12 A. Sure.

13 Q. -- with Defendants' Exhibit 5. And I'm going
14 to take you to the declaration of Mr. Nashashibi.

15 A. Yeah.

16 Q. And I'm going to show you paragraph 11 of that
17 declaration.

18 A. Yeah.

19 Q. You remember Mr. Tolchin was asking you about
20 some specific account of Mr. -- that he indicated in his
21 questions was somehow associated with Mr. Qurei? And it
22 was account No. 21250/510.

23 You may not remember the number. But --

24 A. Yes.

25 Q. -- do you remember he asked you about some

1 number?

2 A. Yes. He asked me about an account number in
3 relation to at least one of the documents here, the
4 clippings. Yeah.

5 Q. All right. And I just want to direct your
6 attention to paragraph 11. There is discussion in there
7 as to whether there were --

8 A. Yeah.

9 Q. -- any transfers to a certain account number.
10 And is that account No. 2125 --

11 A. That's what it says, 21250.

12 Q. Thank you.

13 A. Yeah.

14 Q. And the document -- I believe the declaration
15 indicates that, in the process that we've already
16 discussed, they found no transfers to that account.

17 A. That's what the document says. Yes.

18 Q. Okay. There was some questions to you very
19 early in the deposition as to whether you had initiated
20 an investigation into the incident that we're working
21 on in this case, the 2002 shooting.

22 A. Yes.

23 Q. In terms of that shooting happened in Area C,
24 an area referred to as Area C, what is the authority of
25 the Pales -- what -- what authority does the Palestine

1 [sic] Authority have to enforce the law in Area C?

2 A. In Area C, the PA has absolutely no security
3 jurisdiction whatsoever.

4 Q. All right.

5 A. None whatsoever.

6 Q. Even if one wished to and the -- something
7 happened in that area, what power would you have to
8 direct any of the people working in the security
9 services to go there and conduct an investigation?

10 A. You know, all you have to do is go back and
11 look at the agreement, the Oslo Accords. And you'll
12 find actually the basis for classification of A, B, and
13 C as jurisdiction in the security sphere in the name.
14 And C is an area where the PA has absolutely no security
15 jurisdiction whatsoever. It's exclusively the purview
16 of Israel.

17 In Gaza, you know, outside of -- before
18 the Israeli Army withdrew from Gaza, the area where
19 settlements were was completely off limits for PA
20 security services, almost like a -- same treatment
21 like Area C designated West Bank, no security purview
22 whatsoever.

23 Q. Has the Israeli government asked you to
24 conduct any investigations in the Saperstein shoot --
25 what we call the Saperstein shooting, the case we're

1 involved in here?

2 Have they -- have you received any requests
3 to pursue any such investigation?

4 A. No, sir, we haven't.

5 Q. Okay. You were asked as to whether or not
6 you had spoken to Mr. Qurei in preparation for your
7 testimony by Mr. Tolchin. He asked you earlier: Did
8 you call Mr. Qurei?

9 A. No. I did not call him as a matter of fact.
10 I did not think it was necessary to call him. He
11 was not -- he did not have any executive position --
12 position or executive authority during the period in
13 question. He didn't have one. And I did not -- did
14 not think it was necessary.

15 Q. The people that you did talk to, are those the
16 people who actually had knowledge at the time regarding
17 PNF finances?

18 A. Yeah. That -- that is why I -- I called them
19 up. Yeah.

20 Q. Okay. If I could have your indulgence for a
21 second, sir, I think --

22 A. Can I -- can I go back to a question that you
23 asked me about --

24 Q. Yeah.

25 A. -- whether or not we were asked to investigate

1 the --

2 Q. Yes.

3 A. -- incident?

4 It's really not -- not only that and it's
5 not even only what I -- what I said in answer to
6 Mr. Tolchin's question on -- on the incident. In
7 terms of where we were, what it is that we really had
8 to deal with, total lack of capacity, security agencies
9 totally -- structures totally decimated. I mean, I use
10 the expression of -- I said state of virtually complete
11 disintegration, structures completely destroyed in the
12 course of the Intifada by the Israeli Army. And there
13 was just really nothing to -- to work with.

14 Q. You know, we have a general familiarity with
15 the issues related to the Israeli security services,
16 the -- and what happened during the Second Intifada.

17 But, again, just to give -- when you say
18 they were totally destroyed --

19 A. Yeah.

20 Q. -- give some examples of -- when you say
21 "totally destroyed," are we talking -- what?

22 A. You know, quarters of security offices,
23 headquarters everywhere throughout -- I mean, they
24 were completely destroyed.

25 I was, for example, earlier today in Nablus

1 where we're rebuilding now the headquarters of security
2 in Nablus. You go there, as you enter the city, you
3 see to your left a structure that is being built and
4 rebuilt -- rebuilt now. It was completely leveled
5 by an air strike. Israeli Air Force demolished it
6 completely. Such structures were -- were completely
7 destroyed. Security services did not really have
8 anyplace to go after years of this.

9 So that's what we really have. We are --
10 when we started doing what we have been doing now and
11 spending a good deal of time doing, we had to house
12 security personnel in -- in caravans and makeshift
13 quarters and -- and all. To this day, that still
14 exists because we're not done with building a permanent
15 housing for their offices and operations. Equipment
16 totally destroyed, communication, what have you.

17 Q. What about files?

18 A. Definitely. For sure. I mean, completely
19 destroyed. That's -- and not -- not only, by the way,
20 files and destruction of documents. So that was not
21 related only to security.

22 In the course of the Israeli incursions --
23 military incursions into the West Bank that occurred --
24 or started to happen in the spring of 2002, a lot of
25 documents were destroyed and/or lost, damaged. There

1 was a lot of destruction. All you have to do is go back
2 to footage of that period, and you will see utter, utter
3 destruction.

4 I was the other day watching something on
5 television that indirectly, you know, documented the
6 Second [sic]. And that's incredible, the kind of
7 difference. I, of course, recognize the places, how
8 things were then, how they are -- what they look like
9 today.

10 As I told you, one such place is Nablus where
11 I was today. In fact, I said this if you review my
12 public comments today. I was -- I almost was in tears.
13 You know, they showed me a little -- they showed me a
14 little movie documenting their achievements over the
15 past couple of years of the rebuilding, a very nice
16 clip, incredibly moving. I -- I knew what that -- what
17 that place looked like in 2007. Impossible to -- to be
18 anywhere in that area, even daytime, without, you know,
19 fearing absolute risk or otherwise being subject to the
20 violence -- violence and acts of violence and -- and --
21 and the rest of it.

22 Today you go places, it's -- I went there.
23 A lot of projects have been implemented. I almost was
24 in tears watching this. I -- I drove -- actually, I
25 said to -- it happened in a -- in a movie theater. I

1 mean, the whole event was there. They showed a little
2 piece of a clip and those speeches. The first thing
3 that I asked is what -- who runs this place? And I
4 said: Well, you -- you didn't do your job. You did not
5 collect money for -- for entry fee as you should have.
6 This is a great movie. Just a five-, seven-minute clip.

7 It was just total chaos, I mean total
8 lawlessness, complete -- the country was almost like we
9 were going down the tubes. I mean, really literally.

10 Q. And that was in 2007?

11 A. That was 2007.

12 Q. Now, you were also asked some questions about
13 the -- the Second Intifada and whether there was an
14 organization to certain acts. And Mr. Tolchin said a
15 question that -- along the lines of: So if there was
16 a suicide bomber, they would need to get a bomb, they
17 would need to conceal it, and asked you whether that
18 would reflect the organization.

19 Do you remember those questions?

20 A. I remember them. Yes.

21 Q. I want to -- because there was some discussion
22 of what was organization and what was not, did you mean
23 by your answers to suggest that eventually the Second
24 Intifada as a whole was organized? Or were you talking
25 about individual operations obviously reflecting

1 organization?

2 A. It was the latter explanation. In fact, in
3 my response, I -- I believe clearly I said that in --
4 in describing and explaining what the word "Fatah"
5 meant, that there was not an overall, you know,
6 organization, overarching organizational structure
7 to it. There was no structure to the Intifada and that.
8 And I recall and -- and responded to the question. I
9 explained what it meant, that it's something that, by
10 definition, given the word, is planned from bottom up
11 and had no overarching organizational structure.

12 By organization, I understood the question to
13 refer to acts when they happen. And specifically the
14 question was somebody to get material, needed explosives
15 and whatnot. I understood "organization" in that sense,
16 that the action itself having been -- having involved,
17 you know, dealing possibly with others in -- in that
18 micro sense, but not in the sense of overarching the
19 management structure to this at all.

20 And, by the way, I -- I certainly would not
21 rule out the possibility that, in many instances, it was
22 probably like that, where -- where somebody, you know,
23 did things on their own. I mean, that -- that happened
24 too for sure.

25 Q. And -- and during the Second Intifada, was

1 there any foreign funding of the kinds of actions that
2 eventually resulted in violence?

3 A. I believe there was. You know, this is a
4 rough neighborhood. And I can tell you, you know, to
5 this day, a good part of what we need to worry about
6 is the possibility of external funding flowing into
7 our area. It's something we definitely have to be on
8 the lookout for and -- and watch for for sure. And --
9 and it is my belief that that possibility of external
10 funding cannot be excluded.

11 Q. The last area where I wanted to ask you a
12 couple questions was Mr. Tolchin asked you about the
13 Naveh Report and the --

14 A. Yes.

15 Q. -- EU, so-called OLAF Report.

16 A. OLAF. Yeah.

17 Q. And you -- you said that there was -- one of
18 these reports had some mistakes in it and that you knew
19 that before you were interviewed?

20 A. That's correct.

21 Q. Who interviewed you? Which group interviewed
22 you?

23 A. OLAF.

24 Q. Did the -- Mr. Naveh or his -- whatever he was
25 doing, did they interview you?

1 A. No. Never.

2 Q. Okay.

3 A. Never, never. Incidentally, Dani Naveh was a
4 minister, a cabinet officer of the government of Israel.
5 I believe he was Minister of Justice probably.

6 (Brief comment in Arabic by Mr. Saadi.)

7 THE WITNESS: Health also. But -- but he --
8 you know, the report was named after him, a collection
9 of documents and all. And what I was saying in response
10 to Mr. Tolchin's questions was that there was this
11 report, the Dani Naveh report, which I had read before
12 I was questioned by the EU.

13 And the question I was asked, I believe,
14 was about the quality of the Dani Naveh report, which
15 I said that there were a number of misconceptions and --
16 in the report, the structure of laws relating facts with
17 conclusions, that there were some serious difficulties,
18 serious flaws with that report.

19 The OLAF Report was a report produced by
20 the OLAF Commission, the inquiry -- the commission
21 of inquiry that was tasked by the EU Parliament to
22 look into allegations, a lot of which were related
23 to what was contained in the Naveh report, allegations
24 of possible use of PA funds in support of terror
25 activities.

1 The OLAF Report was the -- the EU's report.
2 And I -- and I know, when it was all done, they shared
3 with us the -- only the executive summary of that. And
4 it tells you the basic conclusion of the report. And --
5 and -- and that conclusion was what I told you it was,
6 that there was no evidence linking PA monies to funding
7 of -- of -- of terror attacks.

8 But -- but the flaws I referred to are flaws
9 in the Dani Naveh report. And I -- and I -- and I did
10 say that I have many examples of those flaws, but --
11 I could elaborate if asked. But, you know, there's
12 no need.

13 MR. ROCHON: Thank you. We have no other
14 questions. Thank you.

15 THE WITNESS: Thank you.

16 MR. TOLCHIN: Let me just ask you a question.

17

18 FURTHER EXAMINATION

19 BY MR. TOLCHIN:

20 Q. I understand that the PA has no security
21 jurisdiction in Area C.

22 A. Correct.

23 Q. But when you find out that the Israelis have
24 arrested Palestinians in connection with an attack,
25 nothing stops you from -- or the PA police from

1 investigating whether there was a connection between
2 the PA or the PLO or any other group and these
3 individuals who were arrested; am I correct?

4 MR. ROCHON: Objection.

5 I'm sorry, Mr. Prime Minister.

6 But -- but objection to the lack of a time
7 context for --

8 Q. BY MR. TOLCHIN: Any time context.

9 A. Yeah. I can confirm to you what has existed
10 since the PA was conceived, you know, going back to
11 the time Oslo Accords were concluded. The basis for
12 designating territories --

13 (Brief court reporter clarification.)

14 THE WITNESS: -- designating territories as A,
15 B, or C was security jurisdiction. And to this day,
16 that -- that's what -- what -- what -- what remains as
17 a basic guiding principle in terms of where we can be,
18 where we cannot be. I can tell you for sure to this
19 minute today, we just simply cannot, you know, have
20 security operations in -- in Area C. We -- we just
21 simply can't.

22 The issue, of course, has undergone
23 substantial improvement over the past couple of
24 years in the sense of us being able to operate with
25 prior coope -- cooperation now, including in Area C.

1 But outside of Area A, meaning cities, we just simply
2 cannot have full and permanent security presence.

3 It's not only what the agreement said. But in
4 terms of the basic capacity to undertake investigation
5 with all that requires, it's just simply not there. But
6 as I said, you know, things have changed recently in the
7 sense of us being able to be present, but with prior
8 coordination by Israelis.

9 MR. TOLCHIN: Nothing further.

10 MR. ROCHON: Thank you. Off the record then.

11 THE VIDEOGRAPHER: That concludes the video
12 deposition at 11:01.

13 MR. McALEER: Wait. The witness will read and
14 sign.

15 MR. ROCHON: What time?

16 THE VIDEOGRAPHER: 11:01.

17 MR. ROCHON: Thank you.

18 (The deposition concluded at 11:01 p.m.)
19
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25

CERTIFICATE OF REPORTER

I, BRENDA MATZOV, CA CSR No. 9243, do hereby
certify:

That, prior to being examined, the witness
named in the foregoing deposition was duly affirmed by
me to testify the truth, the whole truth, and nothing
but the truth;

That the foregoing deposition was taken before
me at the time and place herein set forth, at which time
the aforesaid proceedings were stenographically recorded
by me and thereafter transcribed by me;

That the foregoing transcript, as typed, is a
true record of the said proceedings;

And I further certify that I am not interested
in the action.

Dated this 22nd day of March, 2010.

BRENDA MATZOV, CA CSR No. 9243

CERTIFICATE OF WITNESS

SAPERSTEIN, et al. v. THE PALESTINIAN AUTHORITY, et al.

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I, SALAM FAYYAD, witness herein, do
 hereby certify and declare the within and foregoing
 transcription to be my examination under oath in
 said action taken on March 9, 2010; that I have read,
 corrected, and do hereby affix my signature under
 penalty of perjury to said examination under oath.

SALAM FAYYAD, Witness

Date